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705 EUCLID AVENUE

Use Permit #ZP2022-0104

Prepared: August 28, 2023

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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 APRIL 27, 2023

705 Euclid Avenue

Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.

I. Background

A. Land Use Designations:

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

B. Zoning Permits Required:

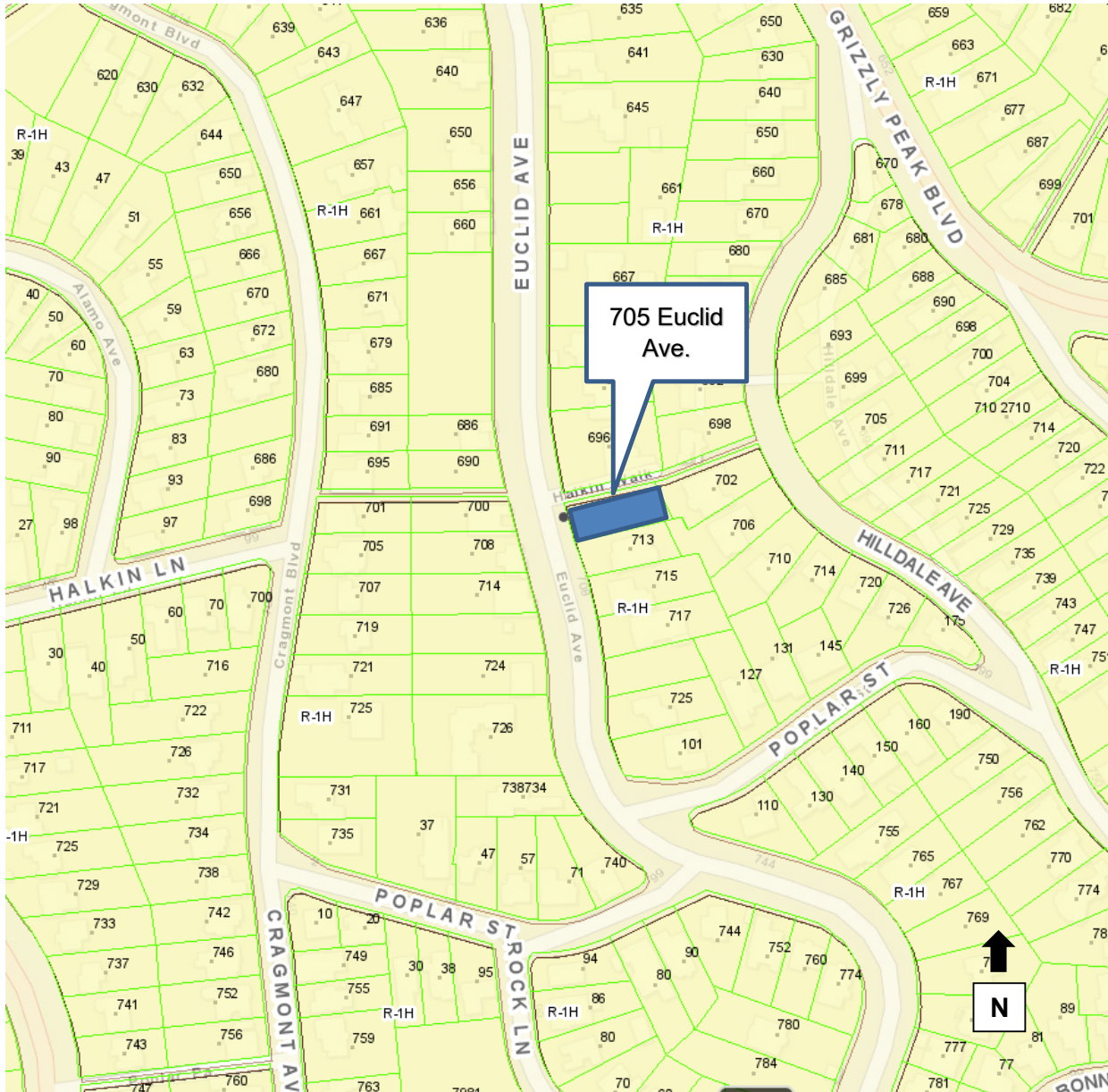
- Use Permit for a new single-family dwelling, under Berkeley Municipal Code (BMC) Section 23.202.020(A)
- Administrative Use Permit to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone, under BMC Section 23.210.020
- Administrative Use Permit to construct two parking spaces in a required front setback, under BMC Section 23.322.080
- Administrative Use Permit to construct an accessory structure (backyard retaining walls) encroaching into a required setback, under BMC Section 23.304.070(B)

C. CEQA Recommendation: It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 1500, et seq.) pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures"). The determination is made by ZAB.

D. Parties Involved:

- Applicant John Newton, 5666 Telegraph Avenue, Oakland, CA
- Property Owner Tarek and Michel Khoury, 903 Ventura Avenue, Albany, CA

Figure 1: Vicinity Map



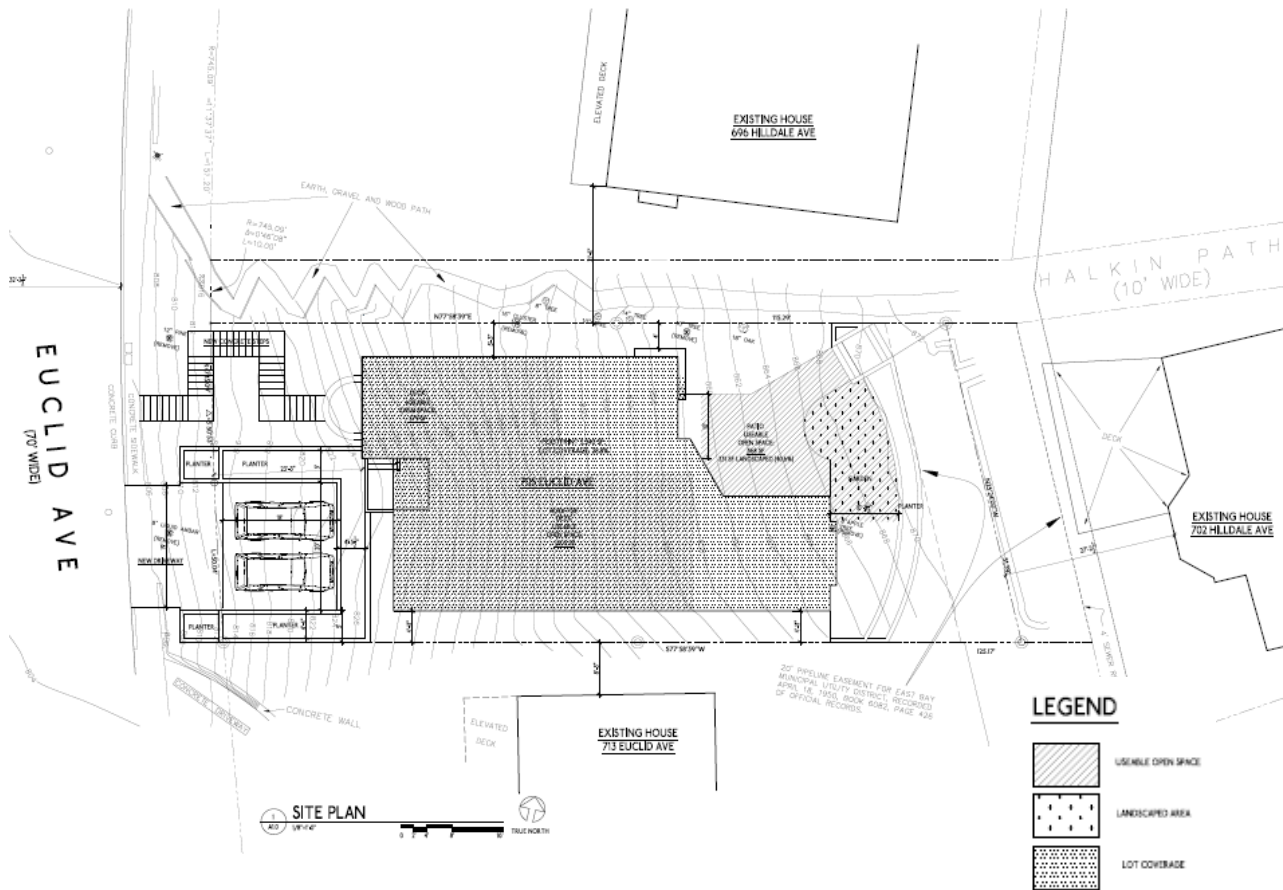
Legend

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

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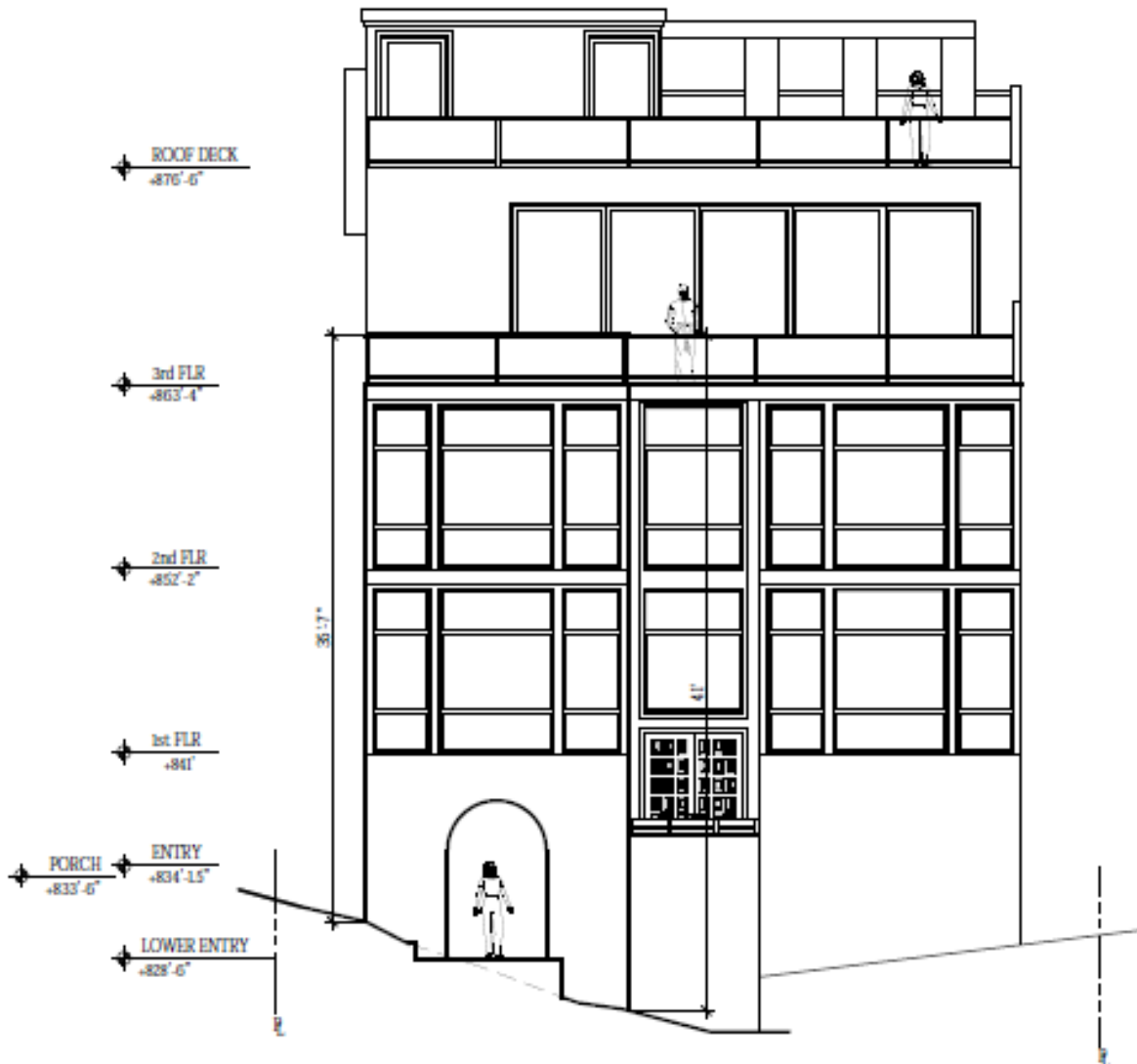
Figure 2: Site Plan



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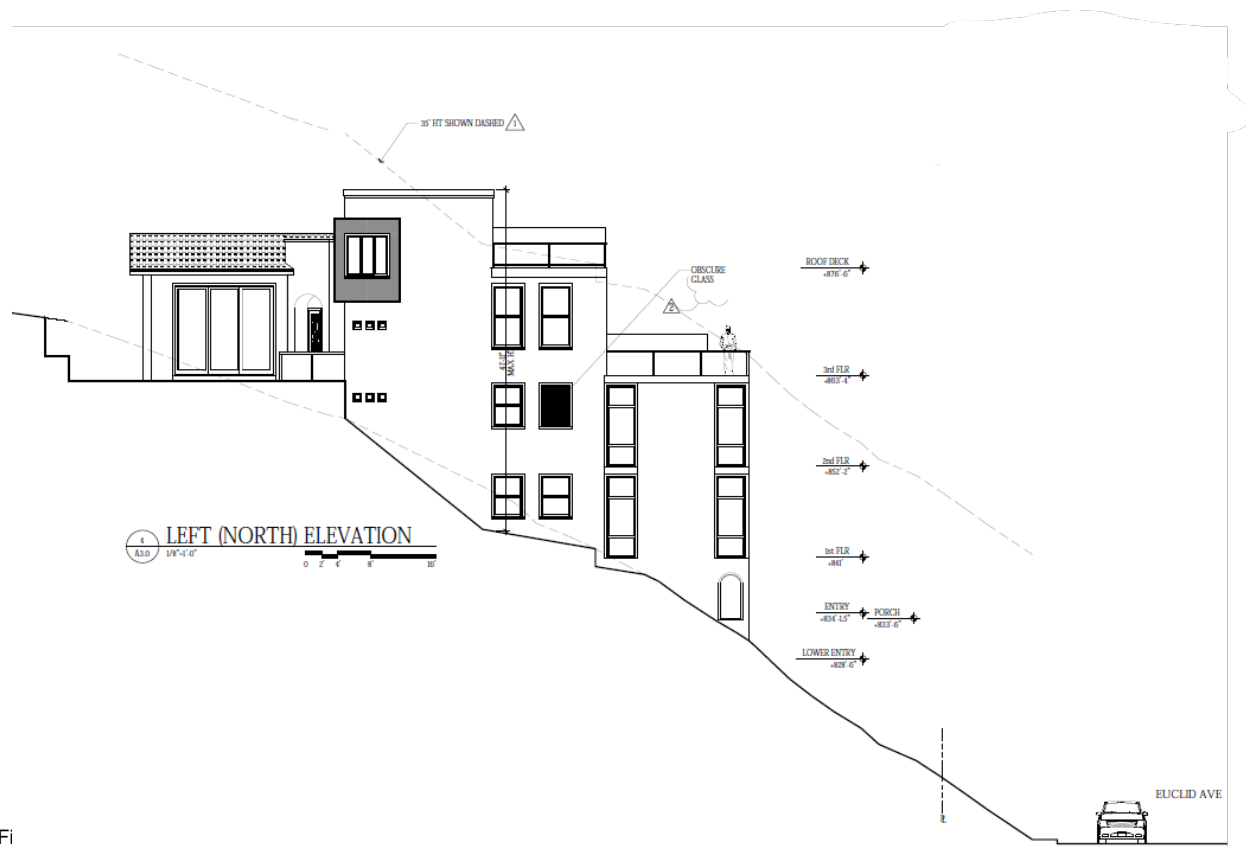
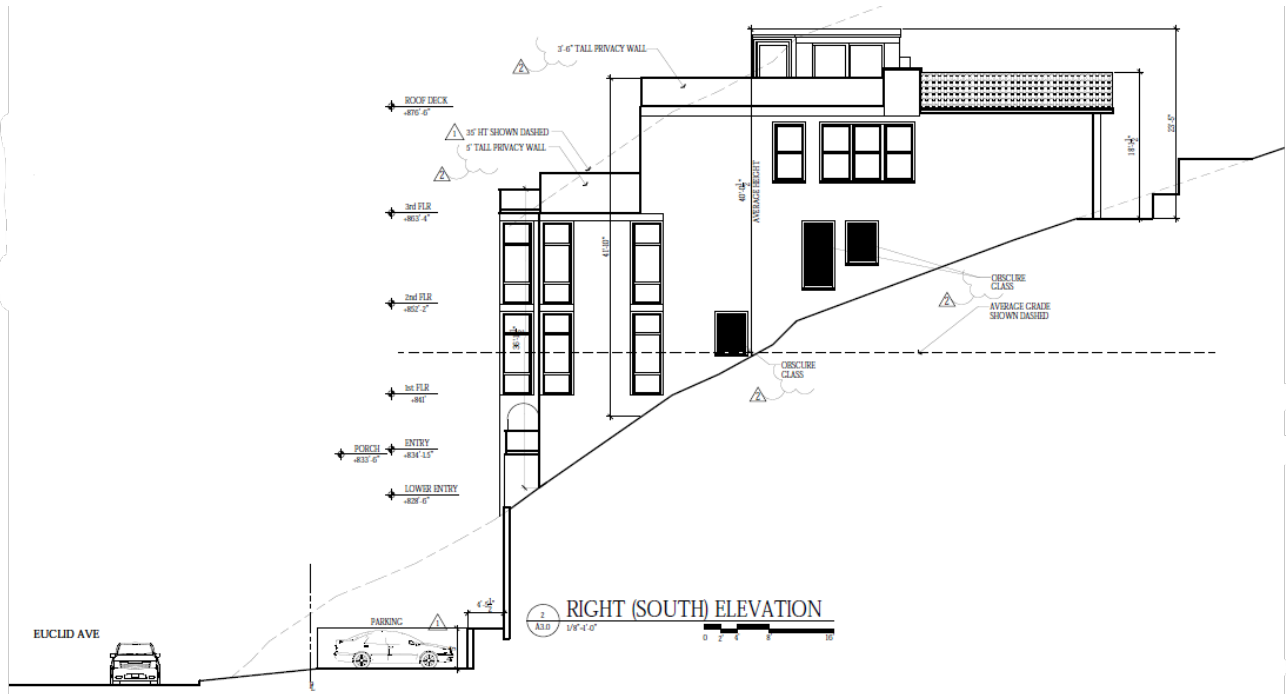
Figure 3: Front Elevation



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Figure 3: Side Elevations



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Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant lot	R-1H	LDR- Low Density Residential
Surrounding Properties	North	Single-Family dwelling	R-1H	LDR- Low Density Residential
	South	Single-Family dwelling	R-1H	LDR- Low Density Residential
	East	Single-Family dwelling	R-1H	LDR- Low Density Residential
	West	Single-Family dwelling	R-1H	LDR- Low Density Residential

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	These fees apply to projects with net new 7,500 square feet of non-residential floor area. The project involves only new residential floor area; therefore, this requirement does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	This fee applies to projects that propose 5 or more rental dwelling units. This project does not propose rental units; therefore, this does not apply.
Creeks	No	The project site is not within a creek buffer zone.
Density Bonus	No	Pursuant to California Government Code Section 65917.2, a project must contain five or more residential units to qualify for state density bonus. This project would construct a single-family dwelling; therefore, this does not apply.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	The project is subject to the natural gas prohibition.
Historic Resources	No	The proposed project is located on a vacant lot.
Housing Accountability Act (California Government Code Section 65589.5(j))	No	A "housing development project" means a use consisting of residential units only, mixed use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing. Because the term "units" is plural, a development has to consist of more than one unit to qualify under the Housing Accountability Act (HAA) (California Government Code Section 65589.5, subdivision (h)(2)). Therefore, HAA does not apply to this project.
Housing Crisis Act of 2019 (SB330)	No	A development has to consist of more than one unit to qualify under the HAA. The proposed project includes a single-family dwelling, and does not meet the definition of a "Housing Development Project" per California Government Code Section 65589.5(h)(2)1. Therefore, SB 330 does not apply.

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Oak Trees	Yes	There is one protected Coast Live Oak on the project site. Three protection measures were provided by the City's Arborist as Conditions of Approval, refer to Attachment 3.
Rent Controlled Units	No	The proposed project is located on a vacant lot.
Residential Preferred Parking (RPP)	No	The project site is not located within the City of Berkeley RPP area
Seismic Hazards (SHMA)	Yes	The project site is located within the California Geological Survey Alquist Priolo Earthquake Fault Zone. The applicant submitted a geotechnical investigation for the project (insert name of report preparer and year), which was peer reviewed by the City's peer reviewer who recommended geotechnical approval of the subject land use permit application subject to specific geotechnical conditions of approval.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites pursuant to Government Code Section 65962.5), nor is it within the City's Environmental Management Area.
Transit	Yes	There is an AC Transit stop located approximately 260 feet south of the project site.

Table 3: Project Chronology

Date	Action
August 9, 2022	Application submitted
August 30, 2022	Application deemed incomplete
September 29, 2022	New plans submitted
October 21, 2022	Application deemed incomplete
December 29, 2022	New plans submitted
January 19, 2023	Application deemed complete
April 13, 2023	Public hearing notices mailed/posted
April 27, 2023	ZAB hearing

Table 4: Development Standards

Standard	Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
BMC Sections 23.202.050 & 23.210.020				
Lot Area (sq. ft.)	6,024	0	6,024	5,000 min
Gross Floor Area (sq. ft.)	n/a	4,528	4,528	No maximum
Floor Area Ratio	n/a	n/a	n/a	No maximum

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Dwelling Units	Total	n/a	1	1	1 max
	Affordable	n/a	n/a	n/a	n/a
Building Height	Average (ft.)	n/a	40' - .5"	40'-.5"	28 max ¹
	Maximum (ft.)	n/a	41'-11"	41'-11"	35 max ¹
	Stories	n/a	3	3	3 max
Building Setbacks (ft.)	Front	n/a	23'-3"	23'-3"	20 min ¹
	Rear	n/a	23'-11"	23'-11"	20 min ¹
	Left Side	n/a	4'	4'	4 min
	Right Side	n/a	4'-11"	4'-11"	4 min
Lot Coverage (%)		n/a	39.1%	39.1%	40 max
Usable Open Space (sq. ft.)		n/a	1,155	1,155	400 min
Parking	Automobile	n/a	2	2	1 min
	Bicycle	n/a	n/a	n/a	n/a

1. Threshold can be exceeded with an AUP

2. Abbreviations: sq.ft.= square feet; ft = feet; min.=minimum; max.=maximum; % = percent

II. Project Setting

A. Neighborhood/Area Description: The project site is located in a residential area with a mix of one-, two-, and three-story single-family dwellings, with areas of open space in excess of that required by the BMC, and mature vegetation. Lots in the neighborhood are generally rectangular in shape with some irregularities due to existing slopes and curved roadways. The neighborhood hills generally slope downwards from the northeast to the southwest and provide primary views westward towards the San Francisco Bay. Given the hilly terrain, the dwellings on the block tend to include attached one- or two-car garages, and/or uncovered parking spaces, within front setbacks. Access to dwellings is typically provided via exterior stairways.

B. Site Conditions: The project site is an undeveloped upslope lot on the east side of Euclid Avenue in the North Berkeley hills. It is bordered on the north by a public stairway (Halkin Walk), on the south by a three-story house at 713 Euclid Avenue, and to the east by a three-story house upslope at 702 Hilldale Avenue. To the west, across Euclid Avenue, houses are on downslope lots, typically with only their top stories and/or garages at street level. The lot, like it's neighbors, provides a significant view of San Francisco Bay. Much of the lot is bordered by trees of various species, including one coast live oak on the lot's northern border.

III. Project Description

The project would construct a three-story single-family dwelling, with two off-street parking spaces located within the required front setback (out of necessity because of the

steep terrain). The project will include two front decks to compensate for minimal flat ground available for usable open space, and have a maximum height of 41-feet, 11-inches. The height is consistent neighboring houses in the area.

The proposed first floor will be accessible by a lower entry porch and stairs, necessitated by the steep slope. This floor will contain two bedrooms and two bathrooms. The second floor will consist of two more bedrooms, two more bathrooms, and a laundry area. The top floor will be a mostly open floor plan with the kitchen, dining area, and family room, plus a half-bath. There will be access to a rear ground-level patio and an uncovered front deck. All floors and a rooftop deck will be accessible via an elevator and staircases.

Off-street parking, accessible from Euclid Avenue, will consist of an uncovered parking pad protected by retaining walls, with planter boxes above the retaining walls. The backyard will consist of a patio area, garden, and retaining wall, located in the setback, with access above via exterior steps.

Some of the trees on the lot will be removed in preparation for construction. Others, located along the northern border of the property will remain. The Coast Live Oak located on the northern border will remain and will not be encroached upon by any of the new structures.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the city, the applicant posted a pre-application poster at the project site. The applicant also submitted drawings of the proposed plans to all adjacent and abutting neighbors (Attachment 2). No comments in opposition were received at that time.

Story poles were installed on the project site in December 2022. No public comments were received after the installation of the story poles.

On April 13, 2023, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has received one public comment, a letter in opposition to the project from the neighbor to the north at 696 Hilldale Avenue (which overlooks Euclid Avenue)(Attachment 5).

B. Committee Review: This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not a use located in a district subject to design review, commercial or manufacturing district, and does not involve the demolition of a non-residential building, respectively.

V. Issues and Analysis

A. Findings for Use Permit Approval in the R-1(H) District: Pursuant to BMC Section 23.202.020(B), a new single-family dwelling is allowed in the R-1 zoning district with a Use Permit, provided that its siting meets applicable development standards and subject to the non-detriment finding. As shown in Table 4, the proposed project would meet or exceed all development standards for the dwelling, with the exception of the height limits. The average and maximum heights within the Hillside Overlay Zone may be increased to above specified limits with an Administrative Use Permit (AUP) (BMC 23.210.020(C)(2)).

Staff believe that the increased height above the 35-foot maximum are justifiable with an AUP because the height of the proposed structure is compatible with those of neighboring structures. Further, installation of the story poles on the project site did not reveal an unreasonable obstruction of significant views from neighboring properties. As noted above, no public comments were received after the installation of the story poles.

In the Hillside Overlay District, an AUP to reduce required setbacks (BMC 23.210.020(C)(4)) can be approved upon finding the project is consistent with the purpose of the Hillside Overlay District as stated in BMC 23.210.020(A). While the main dwelling meets the 20-foot front setback, the proposed parking area, and it's associated retaining walls, as well as the front exterior stairs, would be located within the front setback. This is necessary due to the steep upward slope of the lot. It is also consistent with many neighboring properties that have similar parking areas and stairs within their front setbacks.

The proposed project would meet the following purposes of the Hillside overlay zone pursuant to BMC 23.21.020(A):

1. Implement General Plan policies for Hillside Development;
2. Protect the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire;
3. Protect the character of Berkeley's Hillside Districts and their immediate environs;
4. Give reasonable protection to views yet allow appropriate development of all property; and
5. Allow modifications in standard yard and height requirements when justified because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the Hillside District area.

B. General Non-Detriment Finding: Per BMC 23.406.040(E)(1), staff believes the project would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of residents or workers in the area because it would be consistent with the development pattern in the area. The applicant proposes to construct a single-family dwelling in a neighborhood comprised of single-family dwellings. with the siting/design of the proposed structure would also be compatible with the surrounding built environment. Staff believes that the proposed project would not unreasonably obstruct sunlight, privacy, air, or views as analyzed below:

1. Sunlight/Shadow: Shadow studies submitted by the applicant document the existing and proposed shadow effects at three times each day at the summer and winter solstices and on February 25. The studies reveal that shadow effects on neighboring properties would be minimal. The most significant potential effects would be on 696 Hilldale Avenue for a few hours a day in the winter months. However, these effects are mitigated by the fact that significant shadows are already cast on that lot by the existing row of tall trees along Halkin Walk. Staff recommends that the Board find that these potential impacts are non-detrimental.
2. Privacy: The proposed dwelling would have first, second, and third floor windows on both sides. Some of these windows could potentially be perceived by neighbors as affecting their privacy. However, the applicant has proposed obscured glass on the windows that have the greatest potential for causing privacy issues. Views from other windows would be obscured by existing and new trees along both sides of the lot.

The proposed front balconies are set mostly forward of the fronts of the neighboring houses at 696 Hilldale Avenue and 713 Euclid Avenue. Therefore, they would not pose a significant threat to privacy. Staff believes the proposed dwelling would not be detrimental regarding privacy.

3. Air: The proposed structure would be approximately 20-25 feet from its northern neighbor and more than 13 feet from its southern neighbor. The project would also exceed the usable open space requirement. Therefore, it is not expected to have an effect on available fresh air.
4. Views: Per BMC 23.502.020 (Defined Terms), a significant view is a view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property. As described above under Project Setting, dwellings in the immediate neighborhood of the proposed project have significant views of San Francisco Bay and the Golden Gate. The story poles installed on the project site revealed that these views will not be substantially affected by the new building.

VI. Other Considerations

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

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 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.
3. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
4. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

Staff Analysis: The proposed project will be infill in a mostly developed neighborhood and will constitute an increase in the available housing units in the region. Its design is compatible with the surrounding houses in the neighborhood, and its effects on light and significant views will be minimal.

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: **APPROVE** use permit #ZP2022-0104 pursuant to Section 23.406.040.D and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received December 29, 2022
3. Arborist's Report dated May 26, 2022
4. Notice of Public Hearing
5. Public Comment, received April 17, 2023

Staff Planner: Russell Roe, rroe@cityofberkeley.info, (510) 981-7548

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 27, 2023

705 Euclid Avenue

Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.

ZONING PERMITS REQUIRED

- Use Permit for a new single-family dwelling, under Berkeley Municipal Code (BMC) Section 23.202.020(A)
- Administrative Use Permit to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone, under BMC Section 23210.020
- Administrative Use Permit to construct two parking spaces in a required front setback, under BMC Section 23.322.080
- Administrative Use Permit to construct an accessory structure (backyard retaining walls) encroaching into a required setback, under BMC Section 23.304.070(B)

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 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).
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 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

- A. Shadow studies submitted by the applicant show that new shadow effects would be minor due to the orientation of the new and existing structures, as well as the existence of tall trees along some of the property lines; and
- B. Privacy intrusions would be minimal because the proposed front balconies are set mostly forward of the fronts of the neighboring houses at 696 and 713 Euclid Avenue, the applicant has proposed obscured glass for the windows that have the greatest potential for causing privacy concerns, and new and existing trees will act as visual obstructions between the properties; and
- C. Reduced availability of air will not be an issue because the proposed structure would be roughly 20-25 feet from its northern neighbor and more than 13 feet from its southern neighbor, and the project would exceed the usable open space requirement; and
- D. Story poles erected on the site show that significant views from neighboring properties will not be unreasonably affected.

III. OTHER FINDINGS FOR APPROVAL

- 2. As required by BMC 23.202.020(B), the Zoning Adjustments Board finds that:
 - A. The proposed project would meet all applicable development standards for the R-1 District except the height limits;
 - B. The proposed increased height limits are justifiable and approvable with an AUP because the proposed height is compatible with those of neighboring structures and story poles erected on the site did not reveal an unreasonable obstruction of significant views from neighboring properties; and
 - C. The proposed parking area, retaining walls, and exterior stairs are approvable in the front setback with an AUP because of the steep upward slope of the lot, and it would be consistent with many neighboring properties that have similar parking areas and stairs in their front setbacks; and
 - D. The proposed project would meet the purposes of the Single-Family Residential District and the Hillside Overlay Zone.

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. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination

that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).

- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement

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

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____

Name

Phone #

11. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
12. Tree Preservation Conditions. The Arborist Report dated May 26, 2022 shall be included with any application for a building permit, and shall be with the approved set of plans on the job site at all times while work is taking place.
13. Tree Protection Fencing. To protect the Specified Tree Protection Zone will be shown on all applicable site, landscape, grading, and utility plans. Such fencing shall comply with the guidelines specified in the Arborist Report dated May 26, 2022.

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

14. 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.
15. 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/>

Prior to Issuance of Any Building (Construction) Permit

16. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
17. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS). A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans.
18. Electric Vehicle (EV) Charging. Each dwelling unit shall install a listed raceway, wiring, and load capacity to allow for future Level 2 (40 amp) plug-in electric vehicle (EV) charging system installation, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.
19. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
20. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80). The building permit plan set submission shall both include a cover sheet declaration: 'Natural Gas-Free Design as required by BMC Chapter 12.80.

21. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
22. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

During Construction:

23. 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.
24. Tree Protection Fencing to protect the Specified Tree Protection Zone must be installed prior to any site or demolition work, in accordance with the approved plans, and remain during all stages of site work and construction.
25. Tree Monitoring. Trees identified for protection in the Arborist Report dated May 26, 2022 shall be monitored monthly during construction by the project arborist.
26. Geotechnical Report. The contractors shall implement the recommendations of the Geotechnical Soil Report, dated March 15, 2022, including site preparation and earthwork, surface and subsurface drainage, foundation reinforcements, retaining wall design, lateral lode resistance, and seismic reinforcements.
27. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.
28. 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 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.
- 29. 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.
- 30. 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.
- 31. 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.
- Please contact the Office of Transportation at (510) 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.

- 32. 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.
- 33. 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.

- 34. 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.
- 35. 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.
- 36. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).**
- A. *Qualified Paleontologist.* The project applicant shall retain a Qualified Paleontologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
- B. *Paleontological Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on paleontological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Paleontological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The Qualified Paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Paleontological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a Qualified Paleontologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

- C. *Paleontological Monitoring.* The extent of required paleontological monitoring for the project shall be determined by the Qualified Paleontologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Paleontologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of microscreening or other inspections for fossil resources. If the paleontologist determines that geologic units exposed between 5-10 feet BGS have high paleontological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be paleontological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no paleontological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, paleontological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.
- D. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.
 - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.
- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils

recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

- 37. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 38. 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 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.
- 39.** 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.
- 40.** 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.
- 41.** 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.
- 42.** 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.

43. 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.
44. 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.

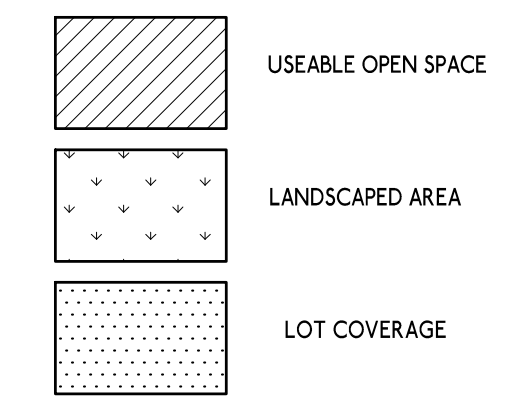
Prior to Final Inspection or Issuance of Occupancy Permit:

45. 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.
46. 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 December 29, 2022, except as modified by conditions of approval.

At All Times:

47. 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.
 48. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
 49. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
 50. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
 51. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.
-

LEGEND



OPEN SPACE
 PATIO - 568 SF OPEN SPACE
 231 SF LANDSCAPED (40.6%)
 DECK - 579 SF OPEN SPACE
 ROOF DECK - 1,005 SF OPEN SPACE
 2,152 SF TOTAL USEABLE OPEN SPACE

LOT COVERAGE
 FOOTPRINT 2,340 SF;
 LOT COVERAGE: 38.8%

John Newton
 Design & Development

5666 Telegraph Ave, Ste A
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 DESIGN CONSULTATION
 & PROJECT MANAGEMENT

CM Engineers
 (925) 818-0570
 Cyrus Mashhoodi, PE

REGISTERED DESIGN
 PROFESSIONAL IN
 RESPONSIBLE CHARGE

NEW RESIDENCE

PROJECT ADDRESS:
 705 Euclid Avenue
 Berkeley, CA 94708
 APN: 63-2955-40-1

OWNER:
 Tarek Khoury
 903 Ventura Ave.,
 Albany, CA 94707
 (510)-387-7100

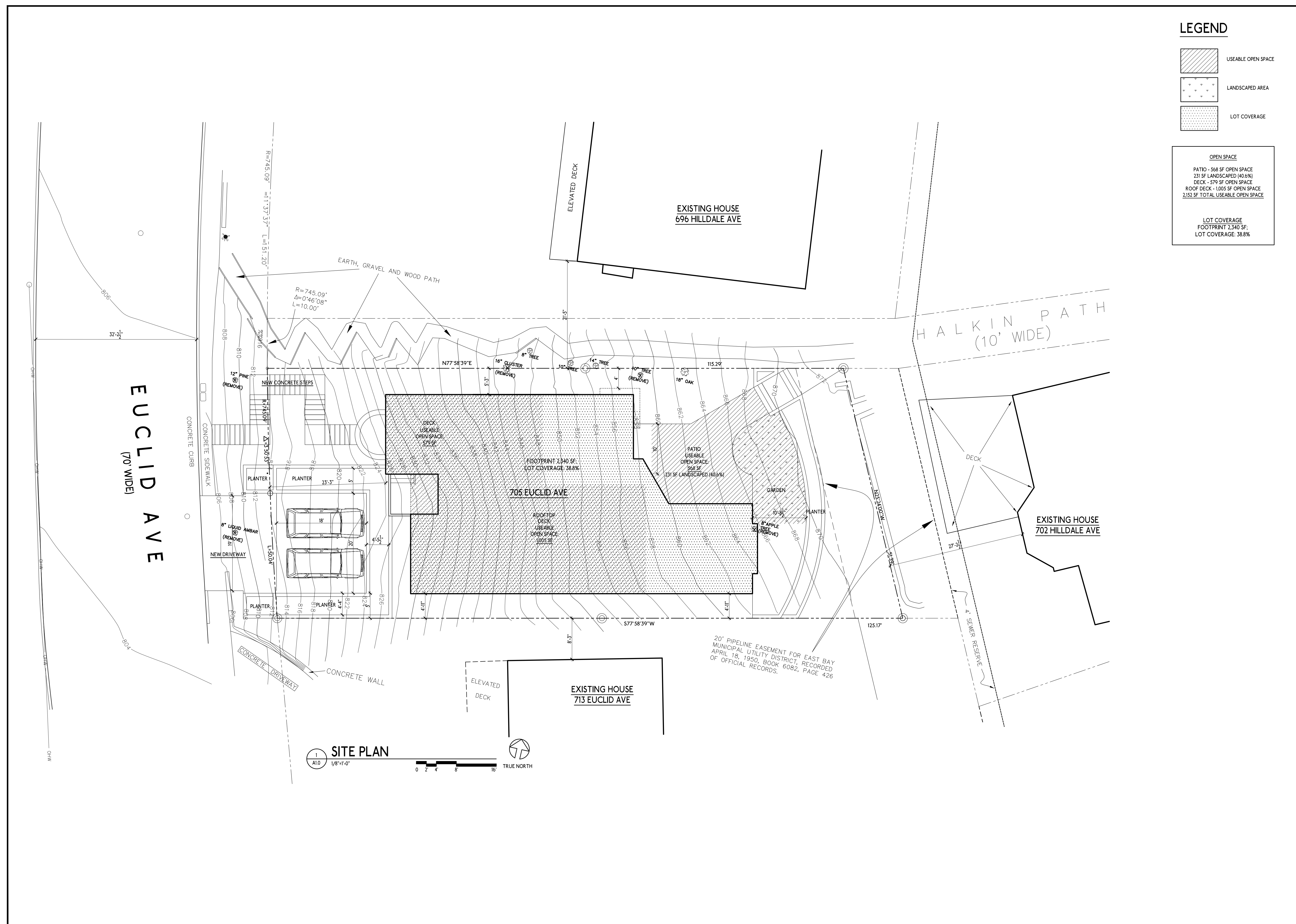
LOT COVERAGE & USEABLE OPEN SPACE DIAGRAM

REVISION

No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No. :
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 9/28/22

A1.1



John Newton
Design & Development

5666 Telegraph Ave, Ste A
Oakland, CA 94609
(510) 847-4108
DESIGN CONSULTATION
& PROJECT MANAGEMENT

CM Engineers
(925)818-0570
Cyrus Mashhoodi, PE
REGISTERED DESIGN
PROFESSIONAL IN
RESPONSIBLE CHARGE

**NEW
RESIDENCE**

PROJECT ADDRESS:
705 Euclid Avenue
Berkeley, CA 94708
APN: 63-2955-40-1

OWNER:
Tarek Khoury
903 Ventura Ave.,
Albany, CA 94707
(510)-387-7100

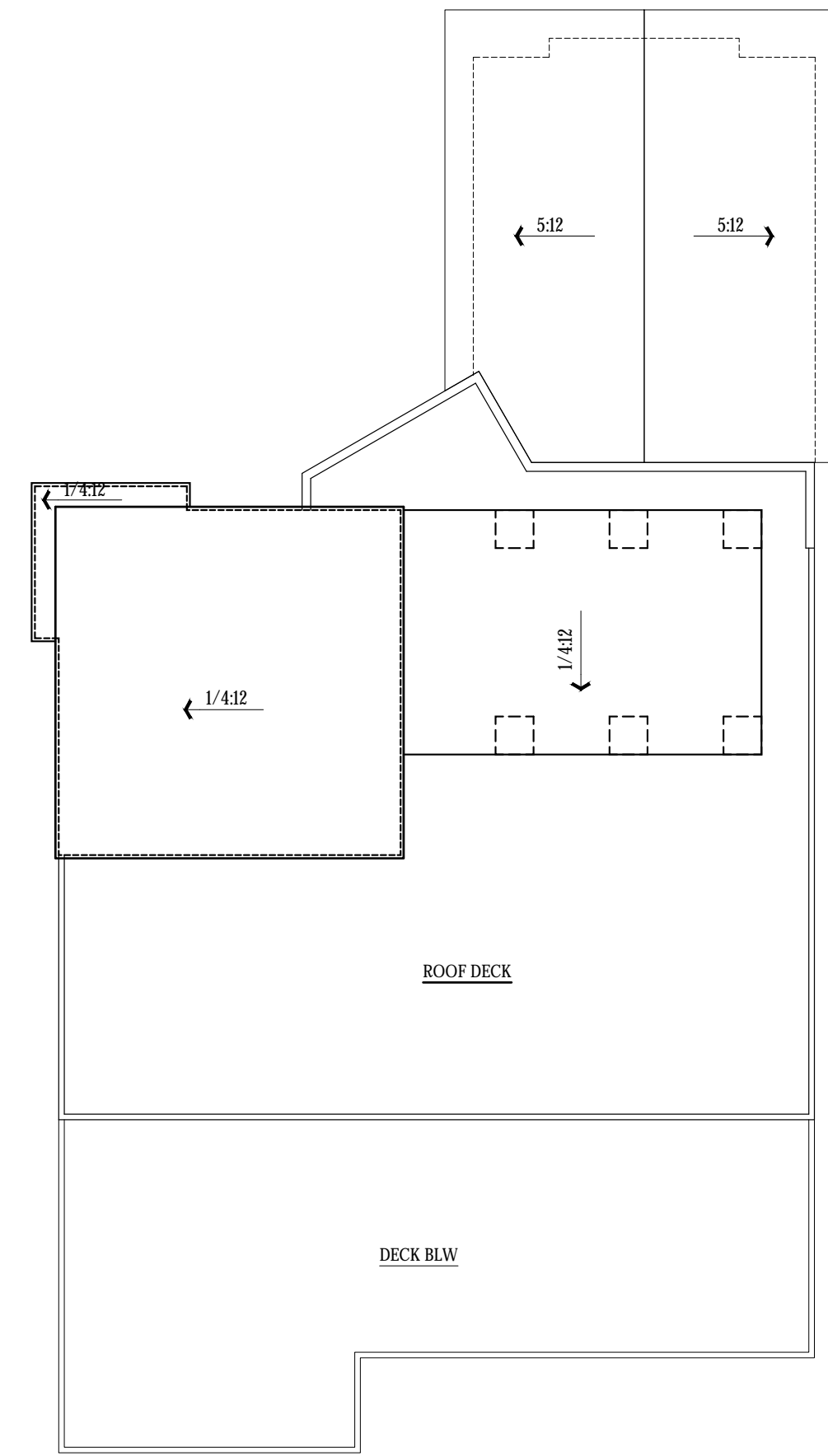
FLOOR PLANS

REVISION

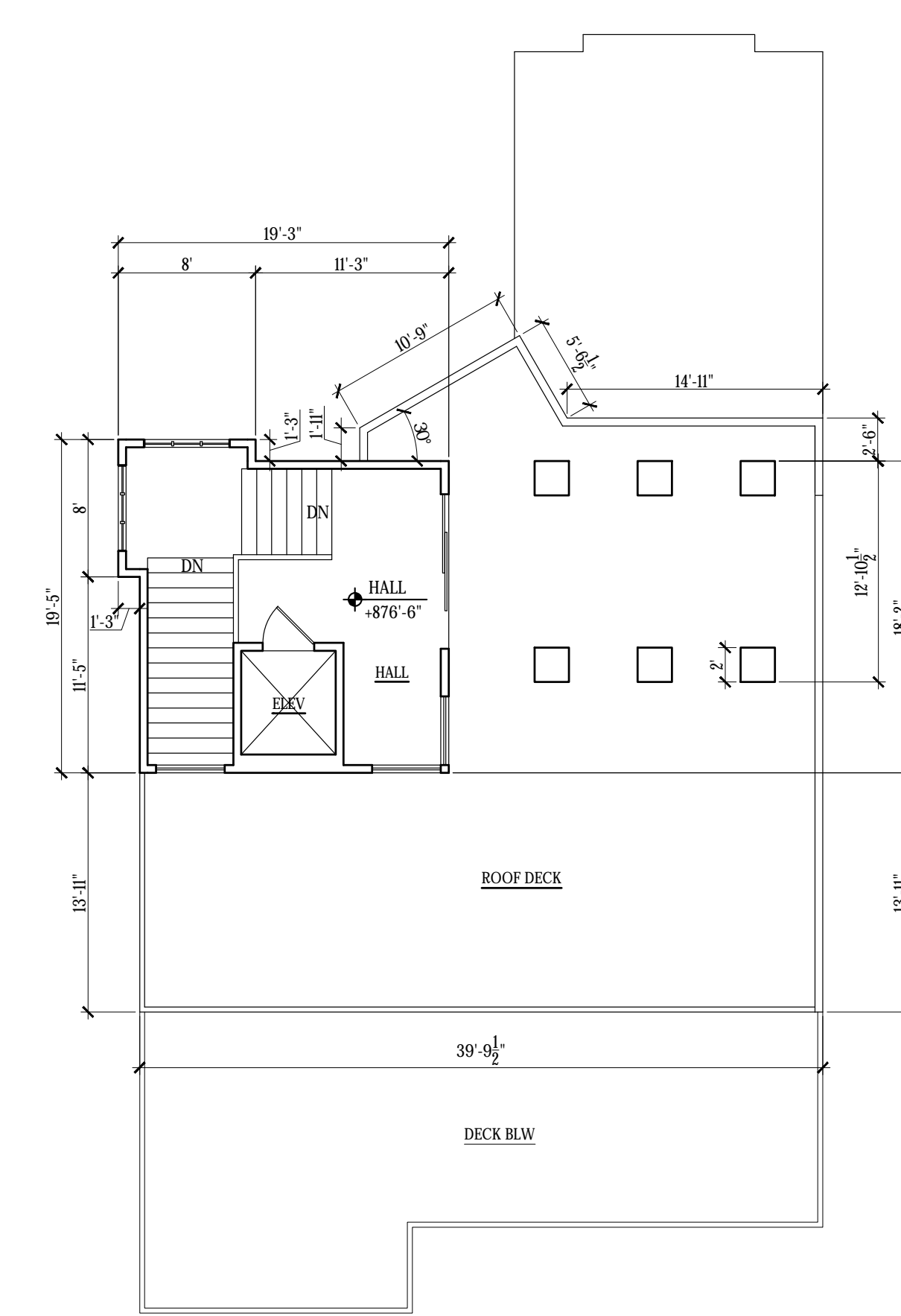
No.	Description	Date
△	DESIGN REV	9/21/22
△	PLAN CHECK	12/28/22

PROJECT No.:
DRAWN BY: ML
CHECKED BY: JMN
DATE: 12/28/22

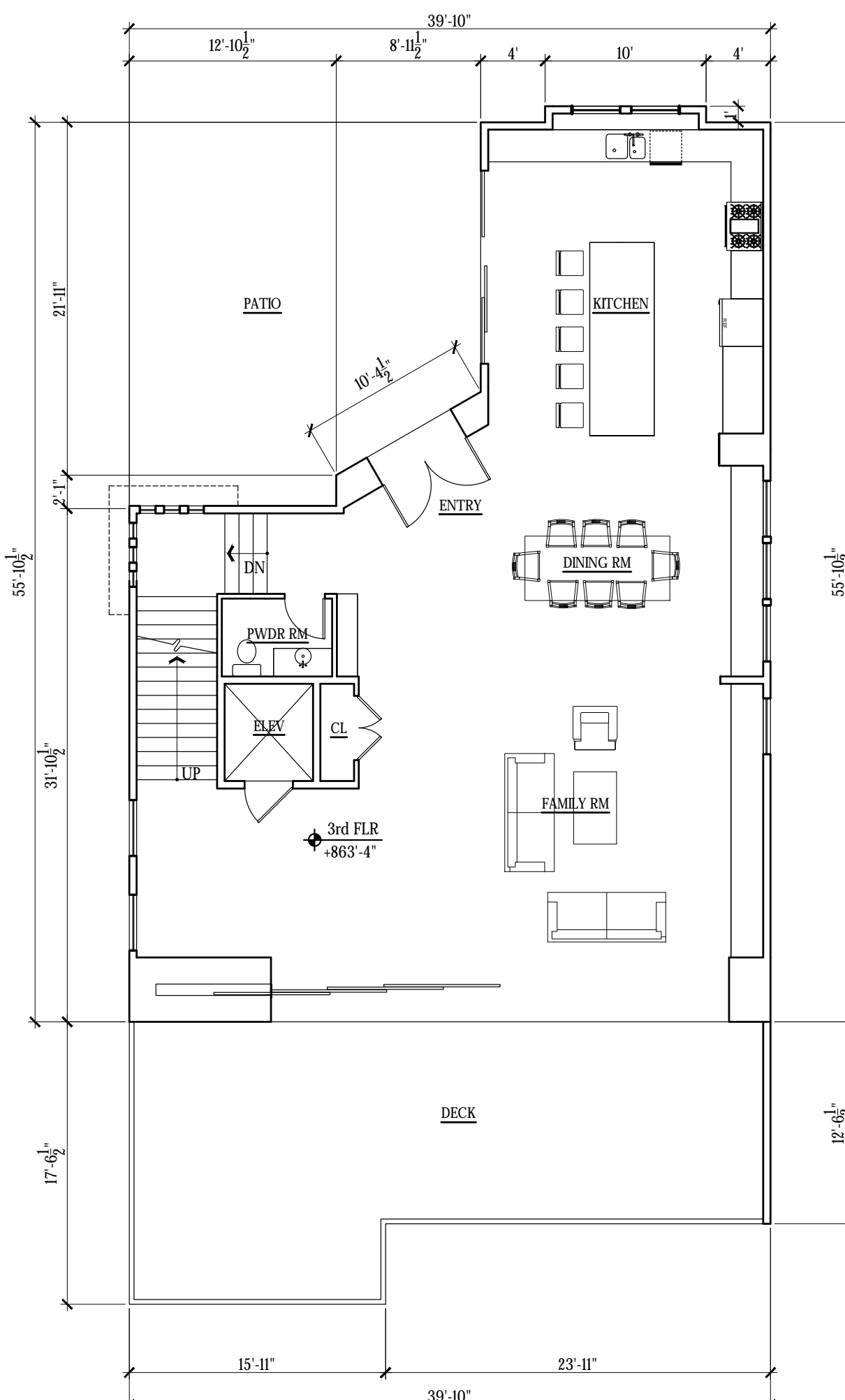
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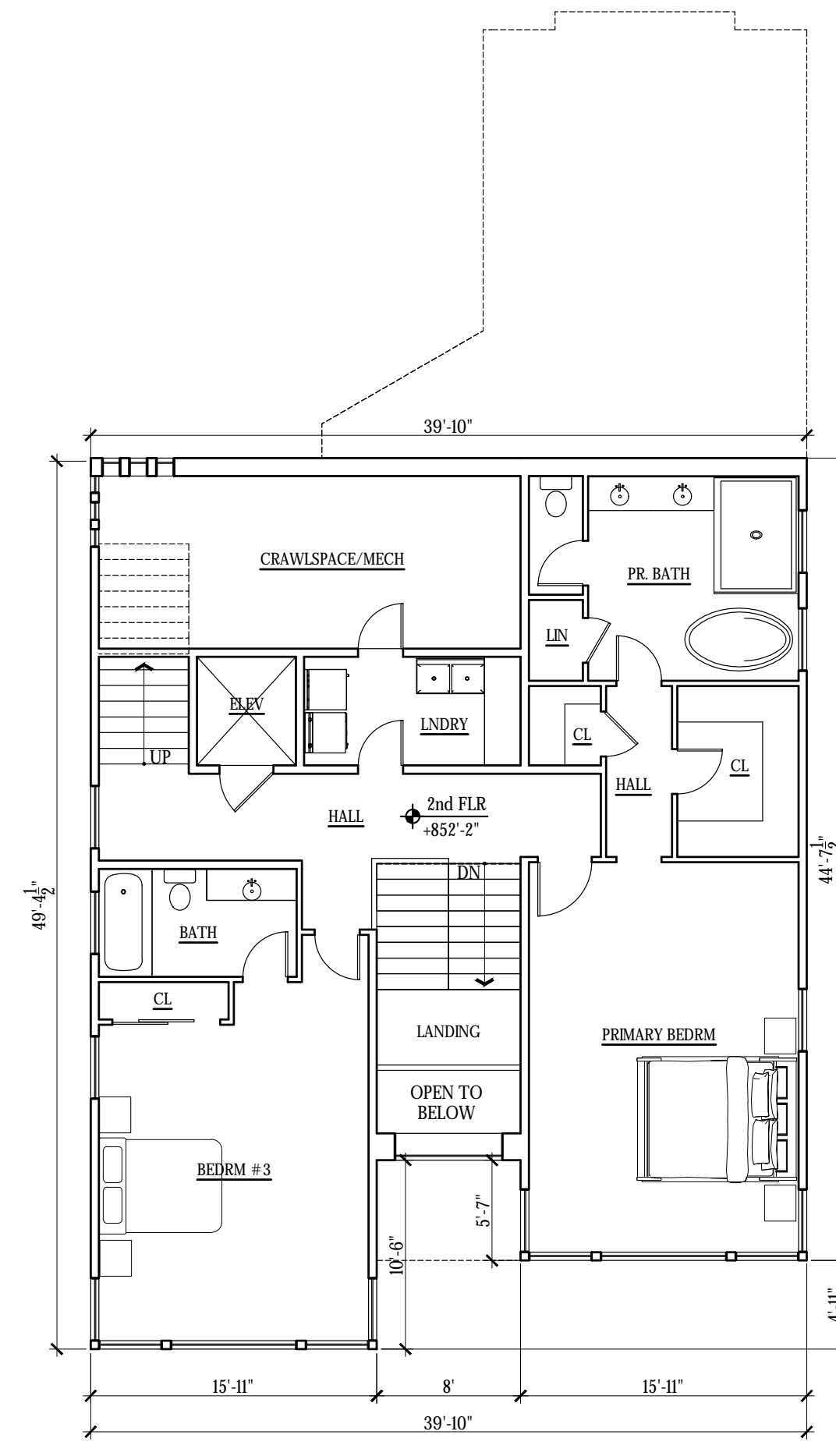
6 ROOF PLAN
A2.0 1/8"=1'-0" 0 2 4 8 16 TRUE NORTH



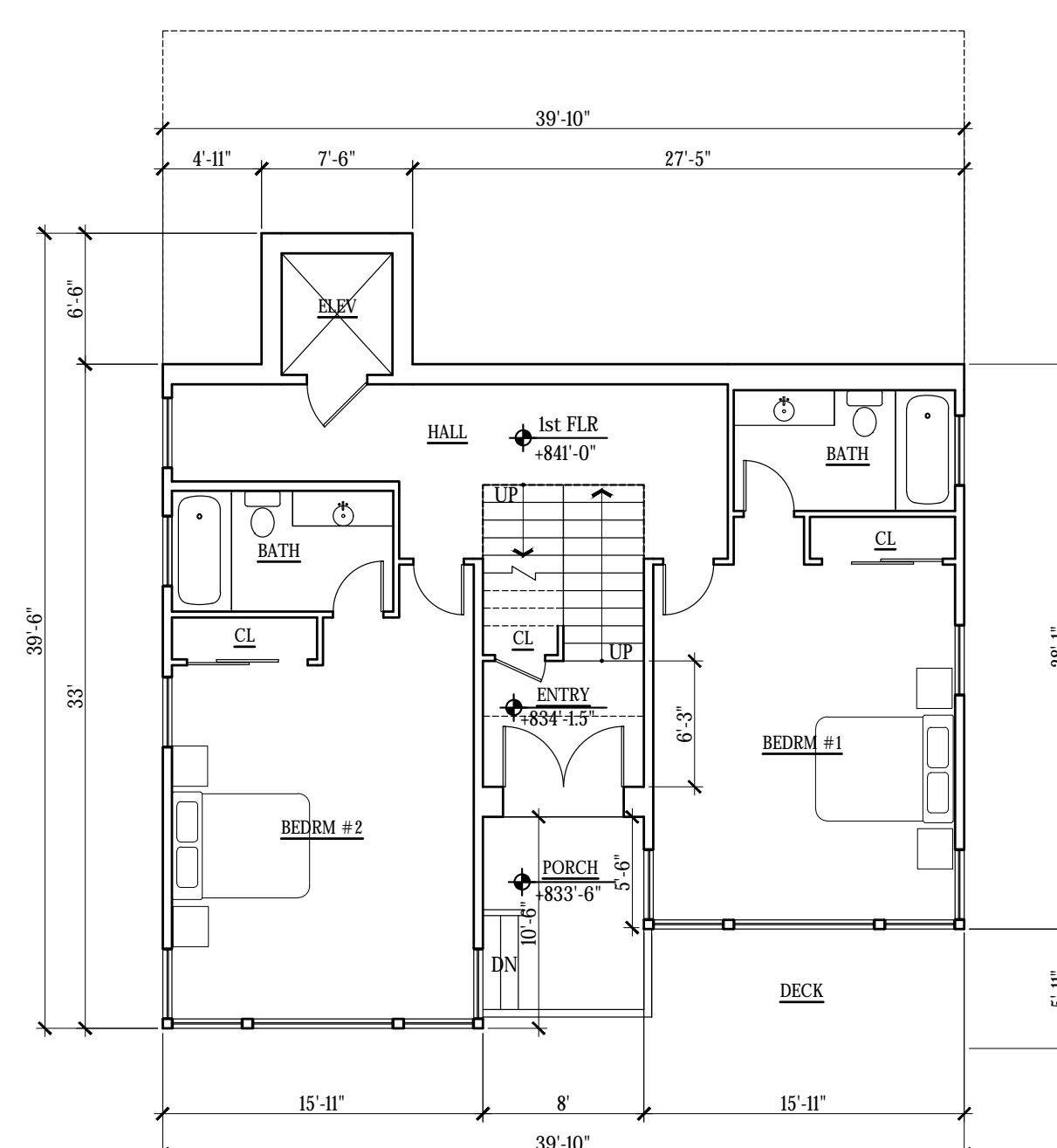
5 ROOF DECK FLOOR PLAN
A2.0 1/8"=1'-0" 245 SF 0 2 4 8 16 TRUE NORTH



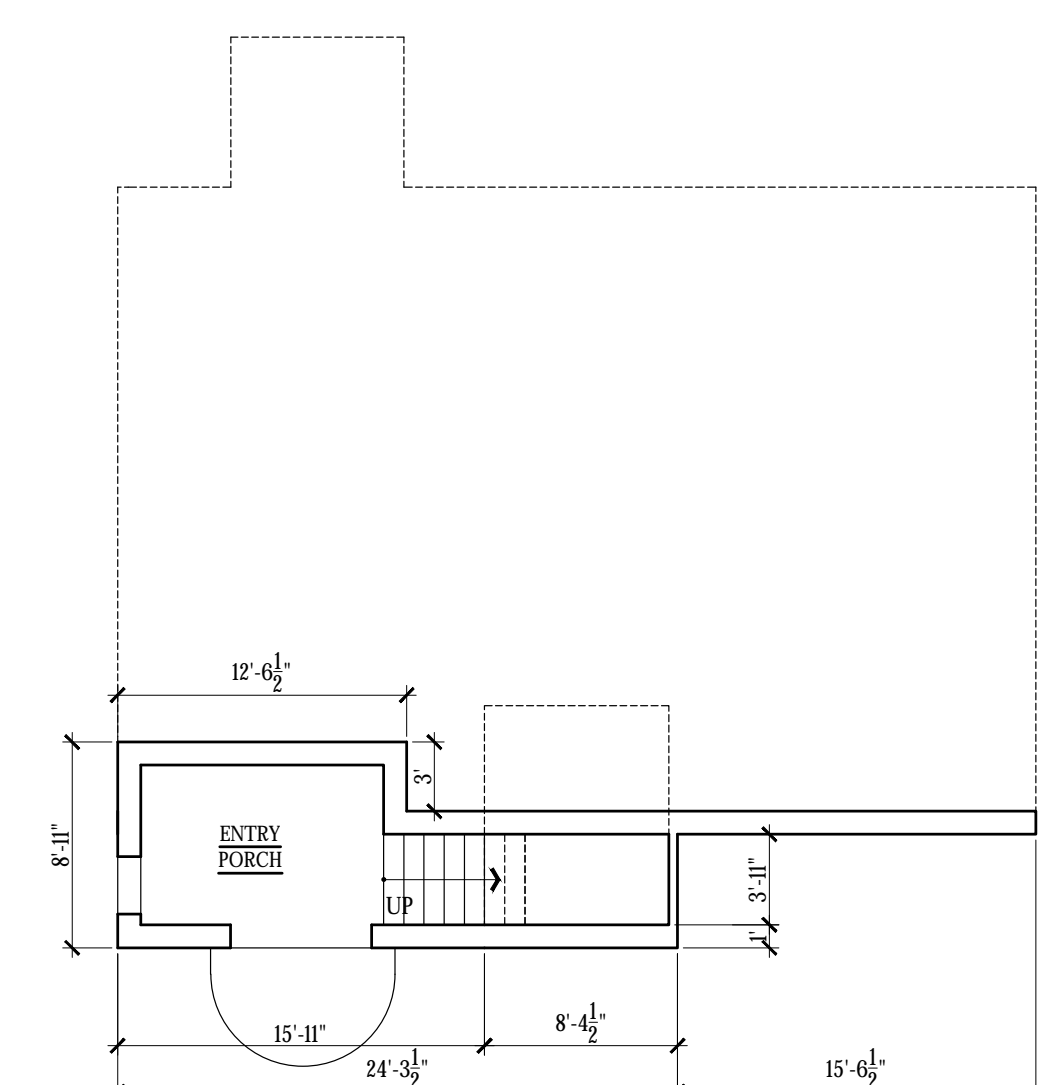
4 3rd FLOOR PLAN
A2.0 1/8"=1'-0" 3rd FLR: 1689 SF 0 2 4 8 16 TRUE NORTH



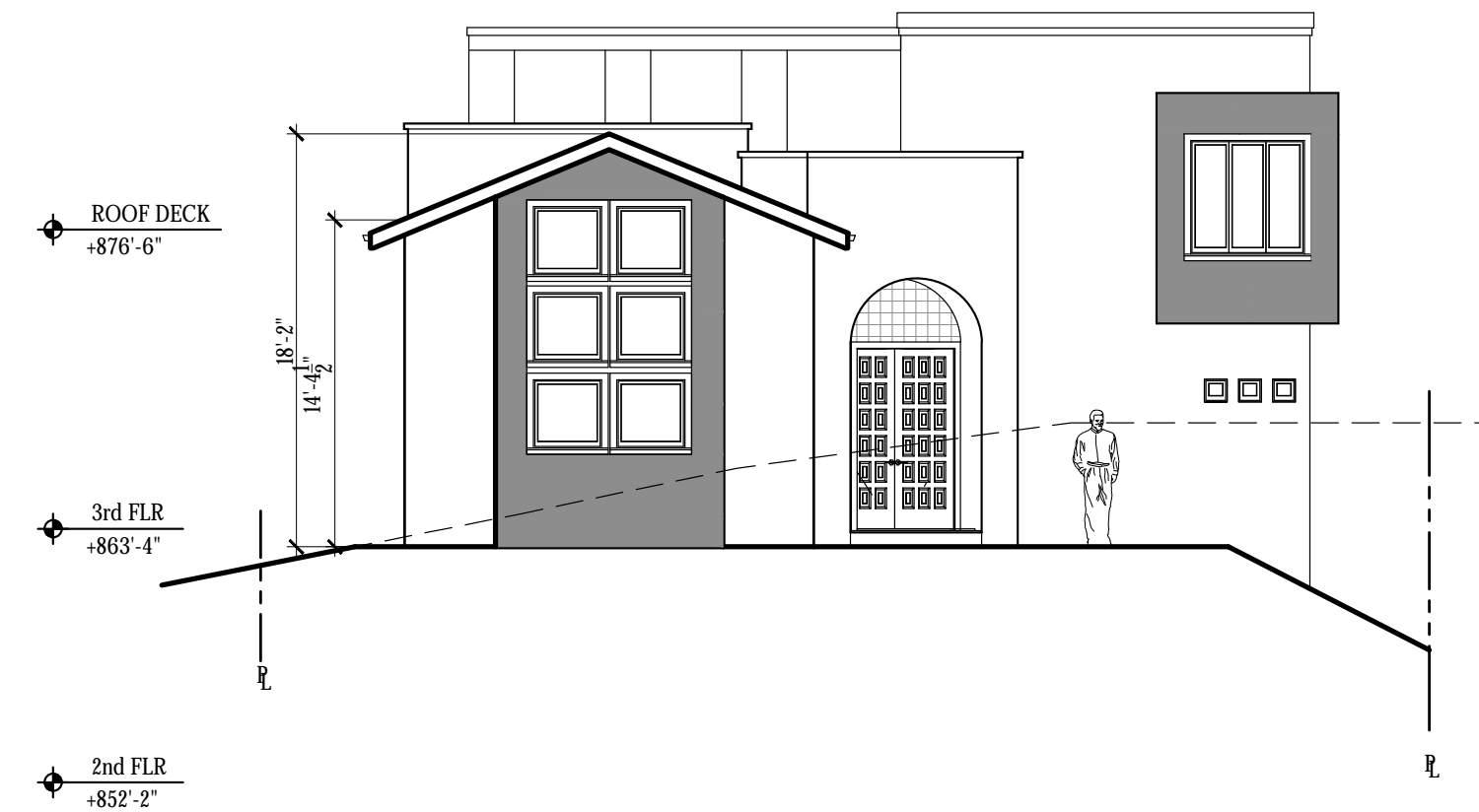
3 2nd FLOOR PLAN
A2.0 1/8"=1'-0" 2nd FLR: 1393 SF 0 2 4 8 16 TRUE NORTH



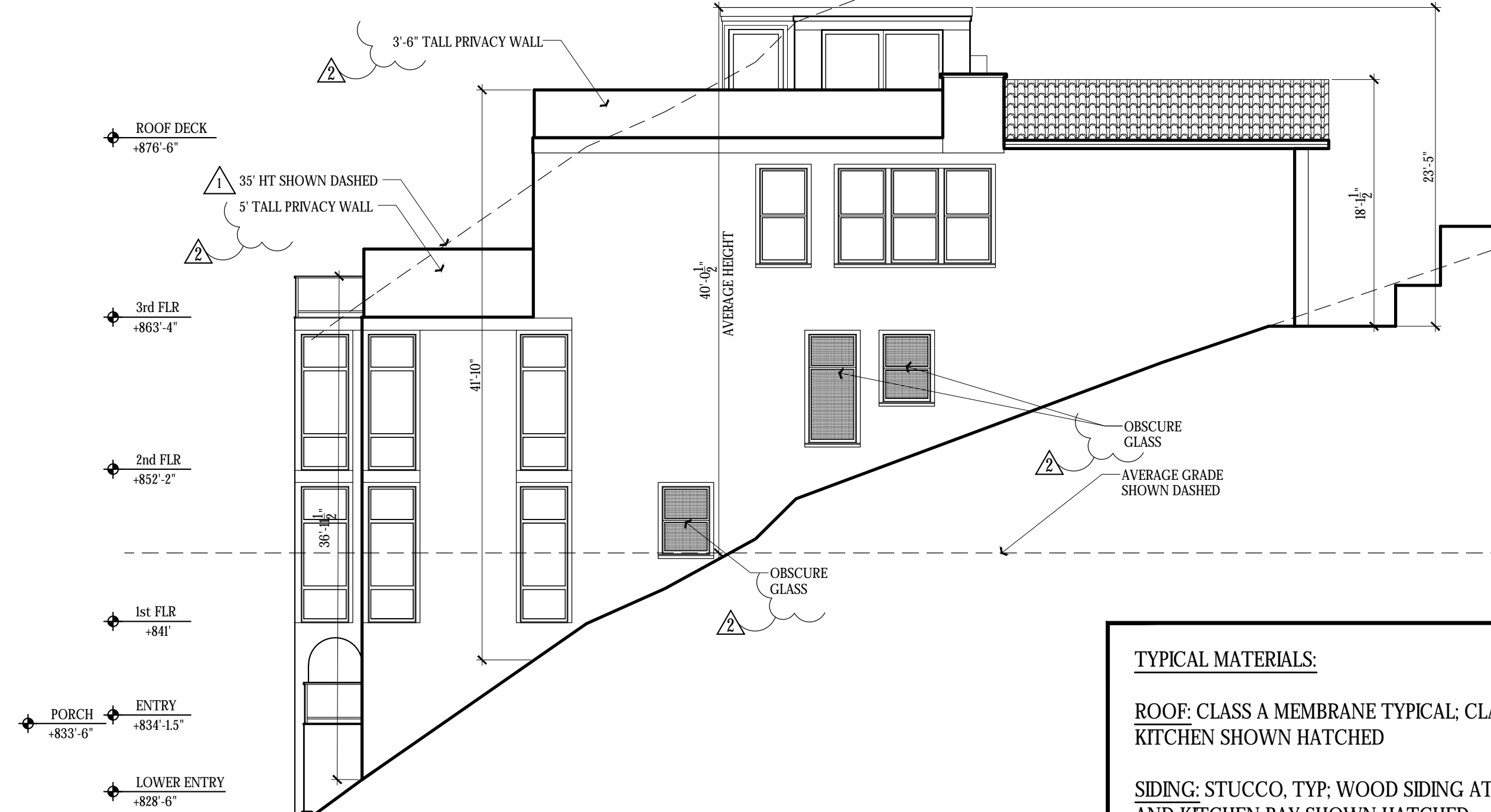
2 1st FLOOR PLAN
A2.0 1/8"=1'-0" 1st FLR: 1201 SF 0 2 4 8 16 TRUE NORTH



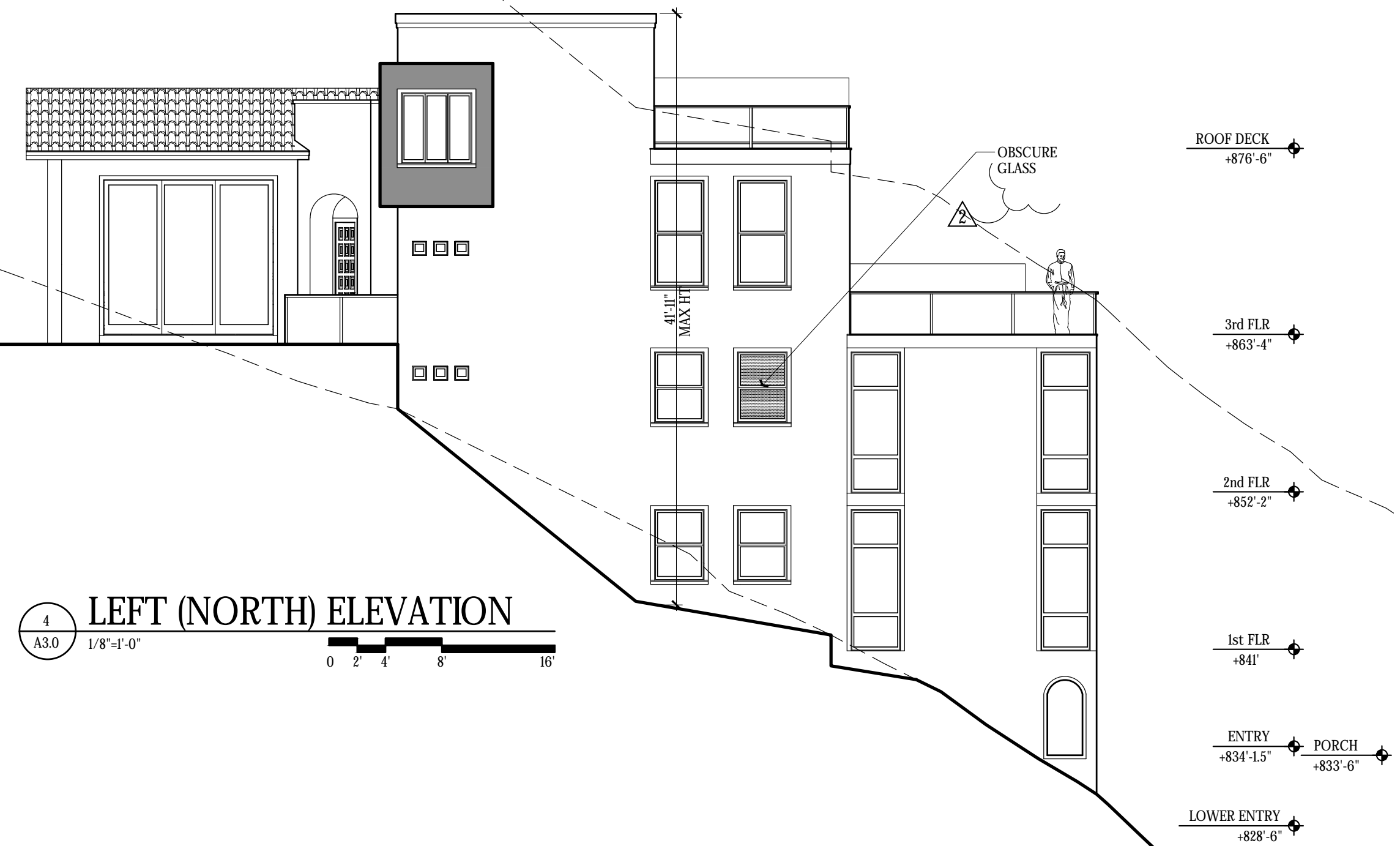
1 LOWER ENTRY PLAN
A2.0 1/8"=1'-0" 0 2 4 8 16 TRUE NORTH



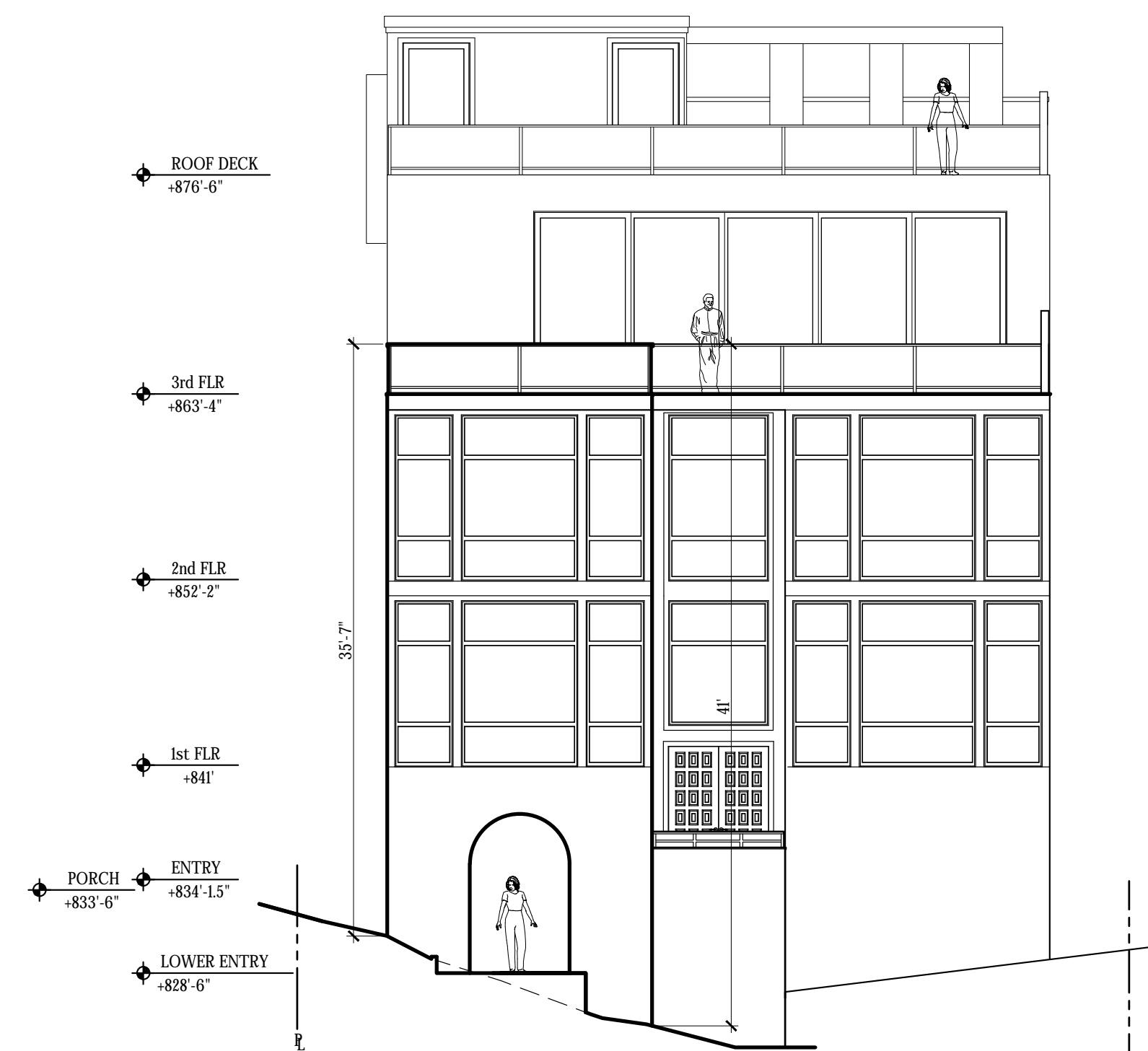
3 REAR (EAST) ELEVATION
A3.0 1/8"=1'-0"



2 RIGHT (SOUTH) ELEVATION
A3.0 1/8"=1'-0"



4 LEFT (NORTH) ELEVATION
A3.0 1/8"=1'-0"



1 FRONT (WEST) ELEVATION
A3.0 1/8"=1'-0"

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DESIGN CONSULTATION
& PROJECT MANAGEMENT

CM Engineers
(925)818-0570
Cyrus Mashhoodi, PE
REGISTERED DESIGN
PROFESSIONAL IN
RESPONSIBLE CHARGE

**NEW
RESIDENCE**

PROJECT ADDRESS:
705 Euclid Avenue
Berkeley, CA 94708
APN: 63-2955-40-1

OWNER:
Tarek Khoury
903 Ventura Ave.,
Albany, CA 94707
(510)-387-7100

**PROPOSED
ELEVATIONS**

REVISION

No.	Description	Date
△	DESIGN REV	9/21/22
△	PLAN CHECK	12/28/22

PROJECT No. :
DRAWN BY: ML
CHECKED BY: JMN
DATE: 12/28/22

A3.0

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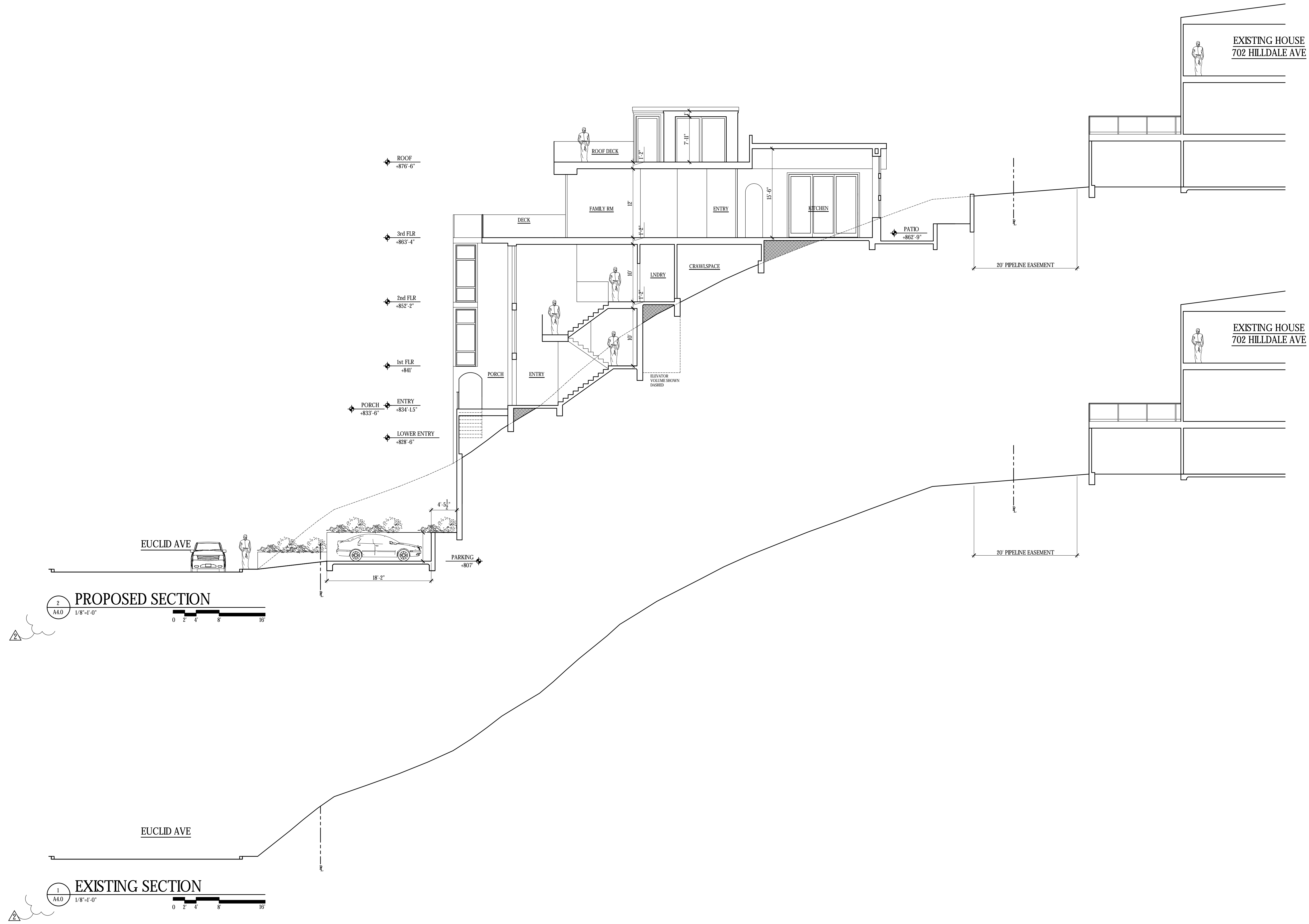
**EXISTING &
PROPOSED
SECTIONS**

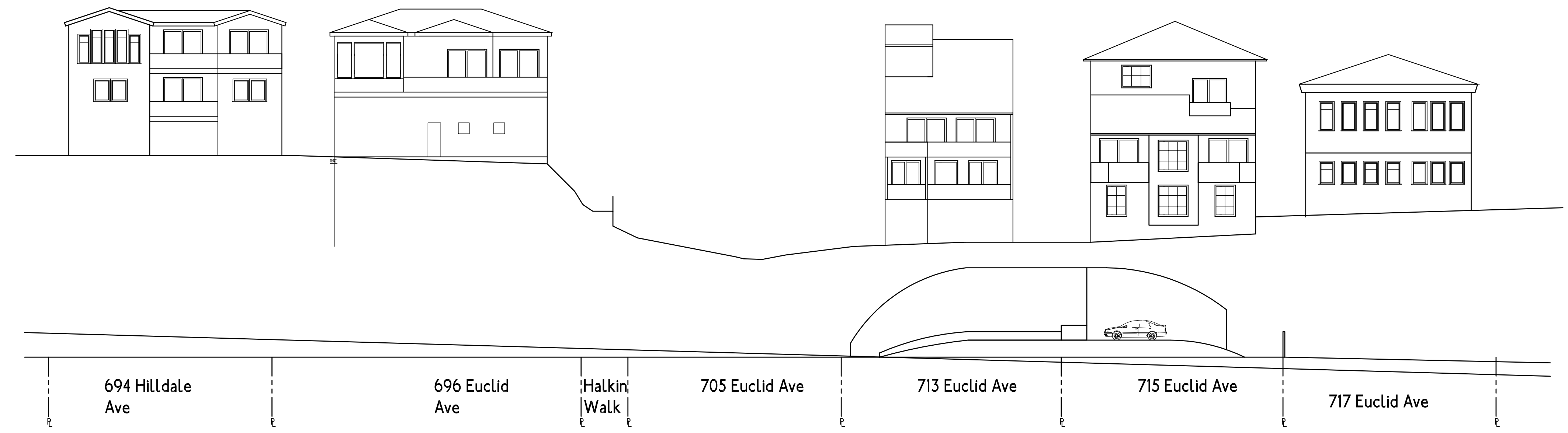
REVISION

No.	Description	Date
1	DESIGN REV	9/21/22
2	PLAN CHECK	12/28/22

PROJECT No.:
DRAWN BY: ML
CHECKED BY: JMN
DATE: 12/28/22

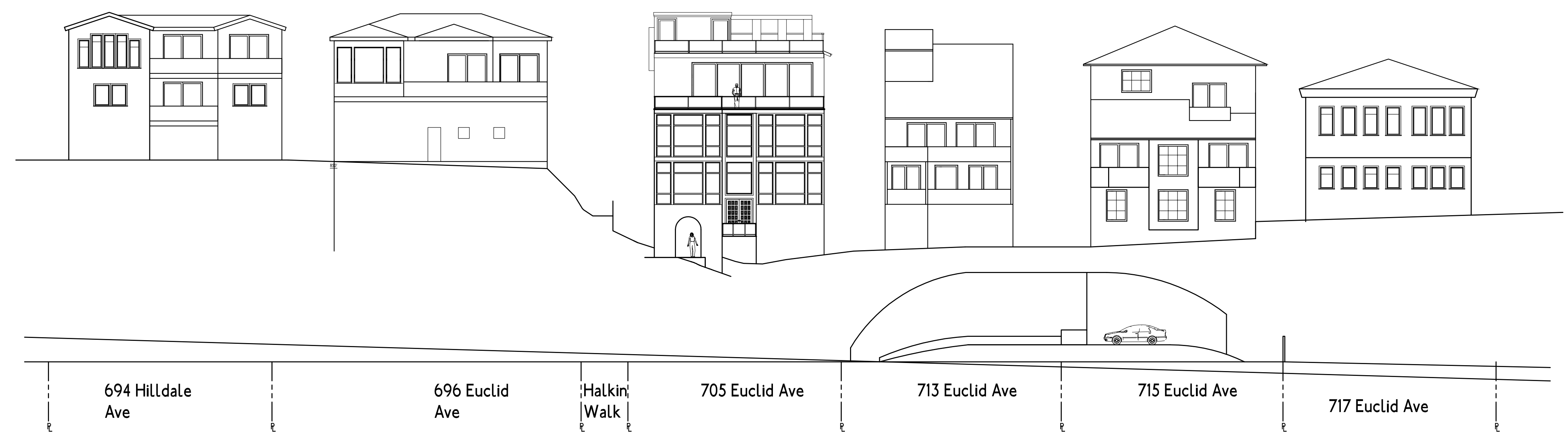
A4.0





694 Hilldale Ave 696 Euclid Ave Halkin Walk 705 Euclid Ave 713 Euclid Ave 715 Euclid Ave 717 Euclid Ave

EXISTING STREETScape
1/16"=1'-0"
0 4 8 16 32



694 Hilldale Ave 696 Euclid Ave Halkin Walk 705 Euclid Ave 713 Euclid Ave 715 Euclid Ave 717 Euclid Ave

PROPOSED STREETScape
1/16"=1'-0"
0 4 8 16 32

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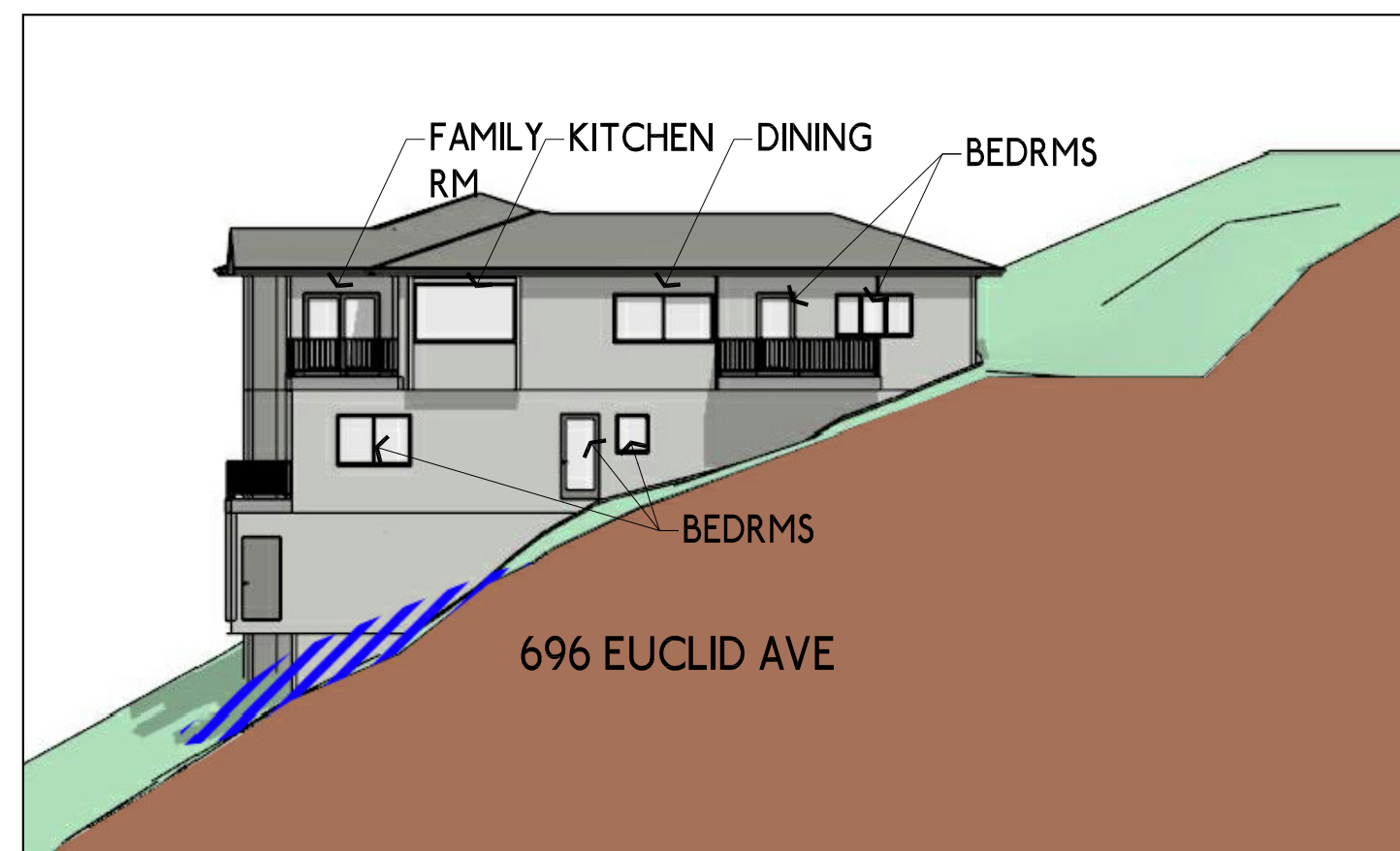
OWNER:
Tarek Khoury
903 Ventura Ave.,
Albany, CA 94707
(510)-387-7100

EXISTING & PROPOSED STREETScape

REVISION		
No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No. :
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

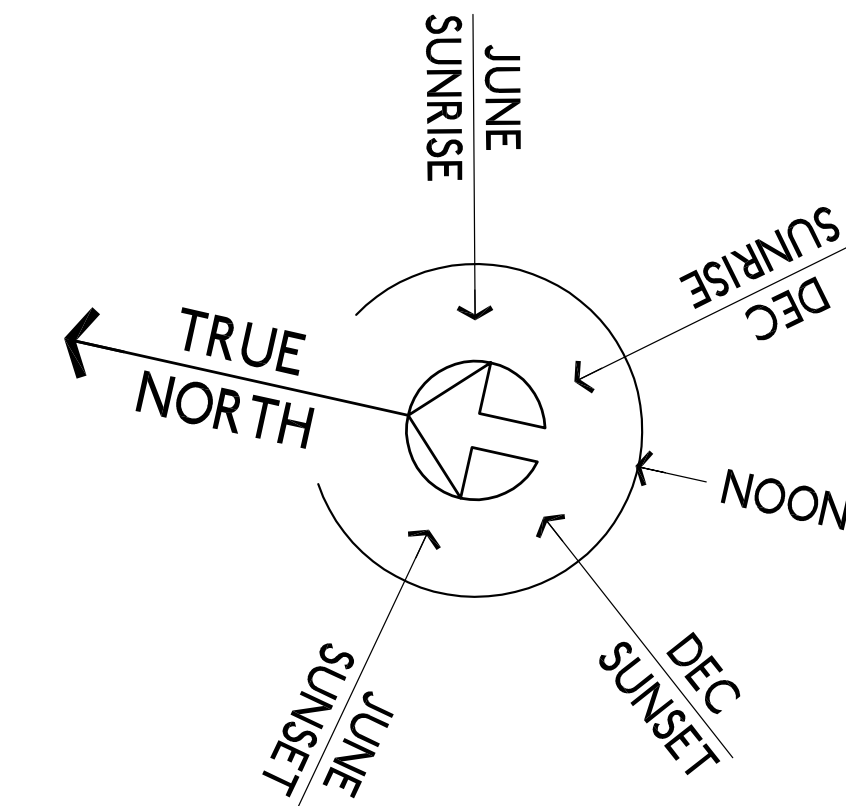
A5.0



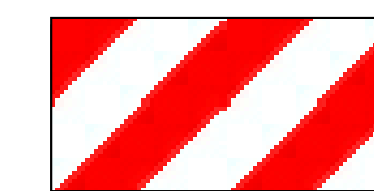
FEBRUARY 26-NOON

NEW RESIDENCE

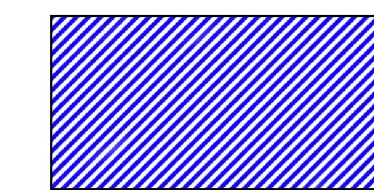
705 Euclid Ave, Berkeley, CA 94708
 APN: 63-2955-40-1



LEGEND

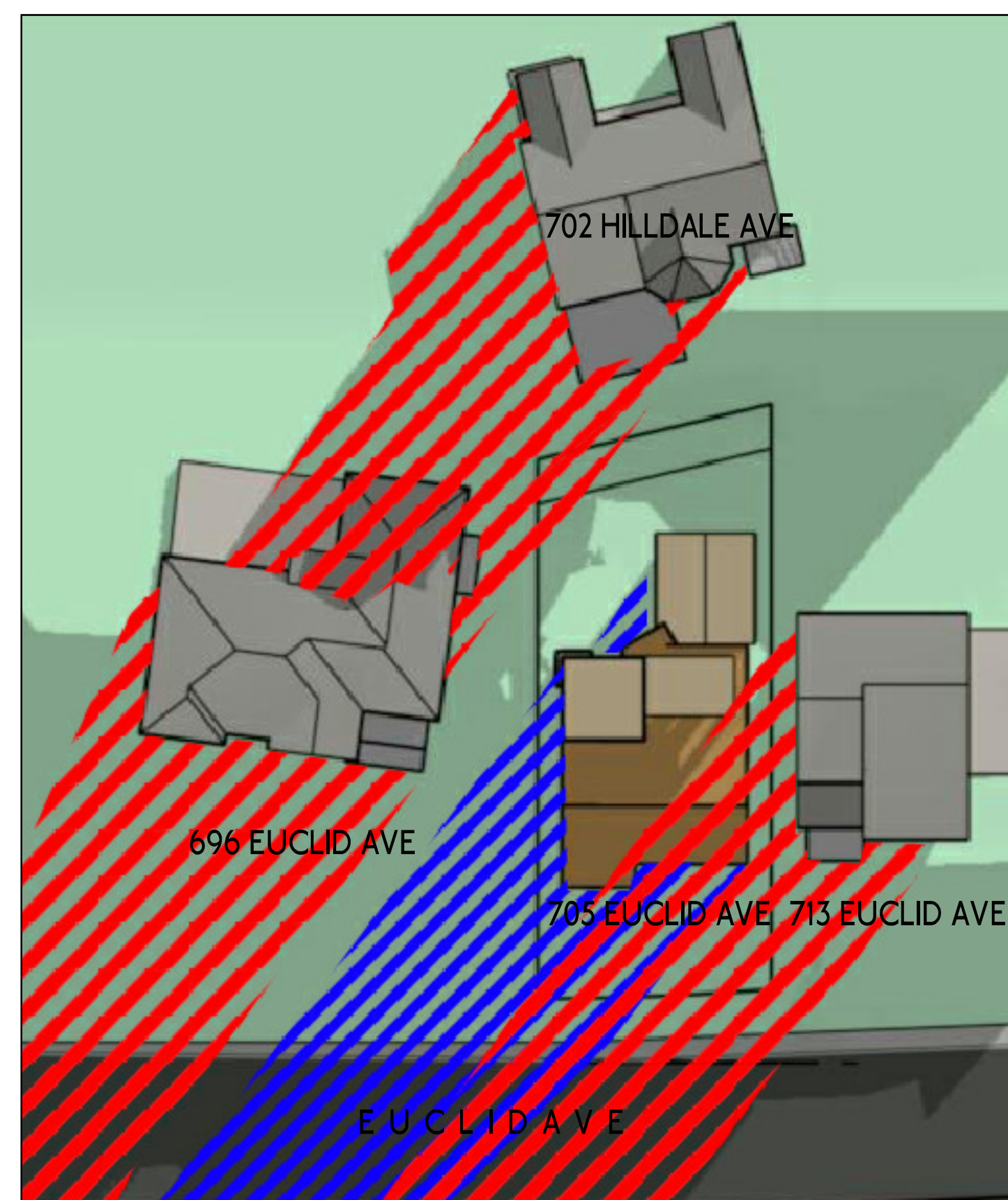


NEIGHBORING BUILDINGS
 EXISTING SHADOW

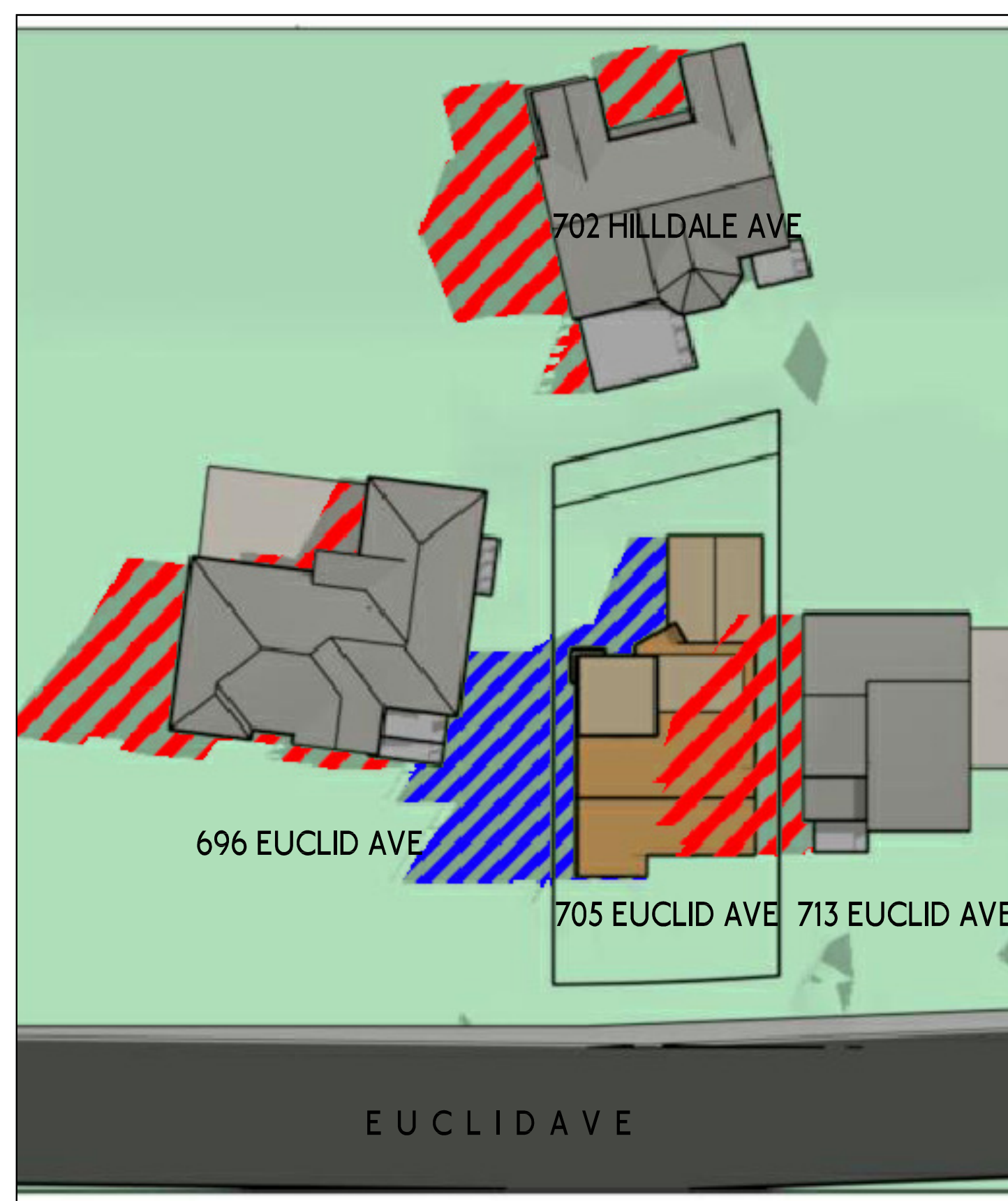


NEW SHADOW

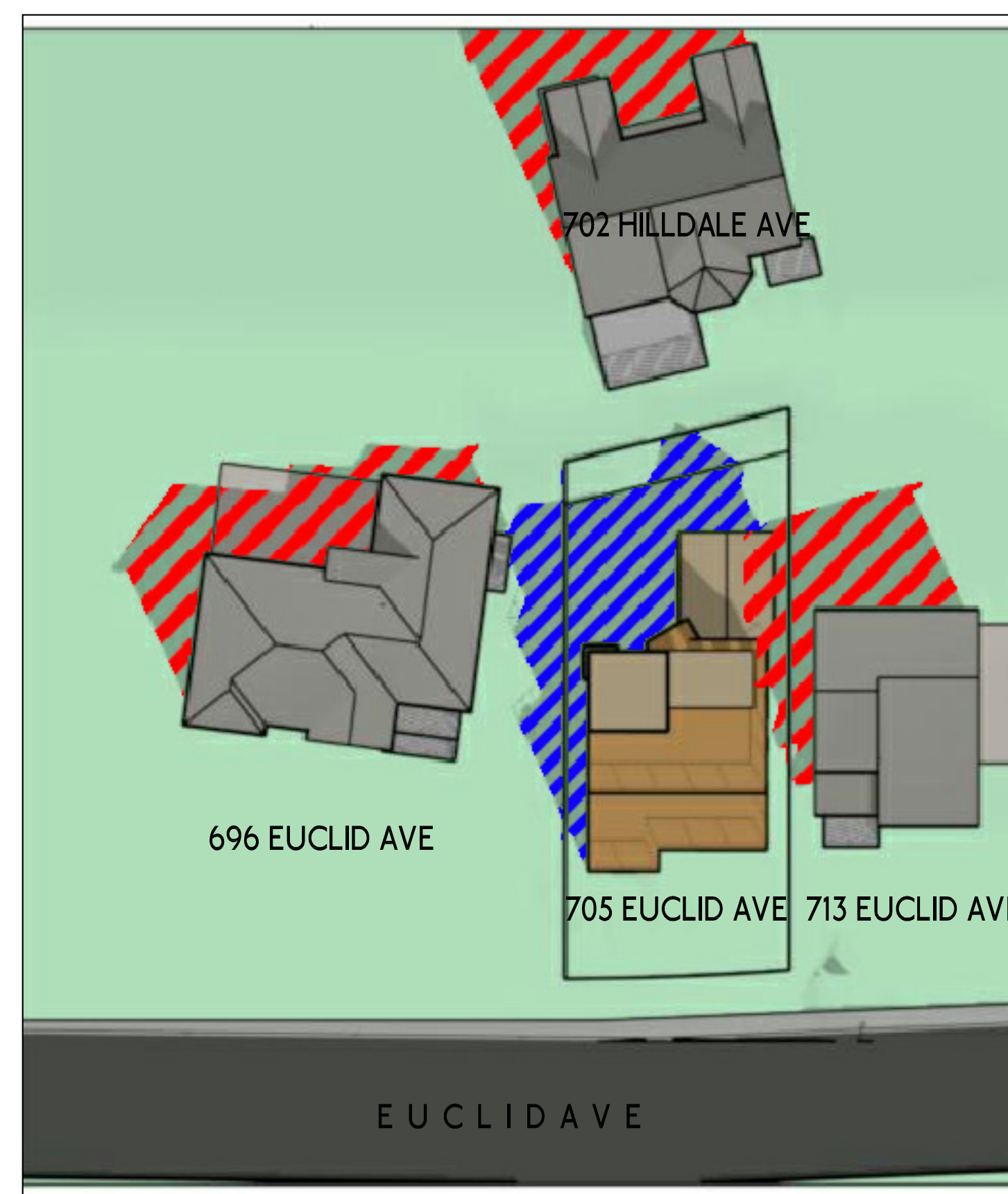
NOTE:
 SHADOW STUDY PLAN VIEWS ANALYZE
 WORST CASE SCENARIO AND DOES NOT
 INDICATE THE MASS OF NEIGHBORING
 BUILDINGS AND (E) TREES. THIS STUDY
 ONLY GIVES MASS TO 705 EUCLID AVE.
 ALL HABITABLE BUILDINGS AFFECTED BY
 THE NEW SHADOWS CAST ARE SHOWN
 IN ELEVATION.



1 FEBRUARY 26-8:45 AM



2 FEBRUARY 26-NOON



3 FEBRUARY 26-4:00 PM



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 RESIDENCE

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 Berkeley, CA 94708
 APN: 63-2955-40-1

OWNER:
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SHADOW STUDY
 PART 1

REVISION

No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 3/21/22

A6.0

NEW RESIDENCE

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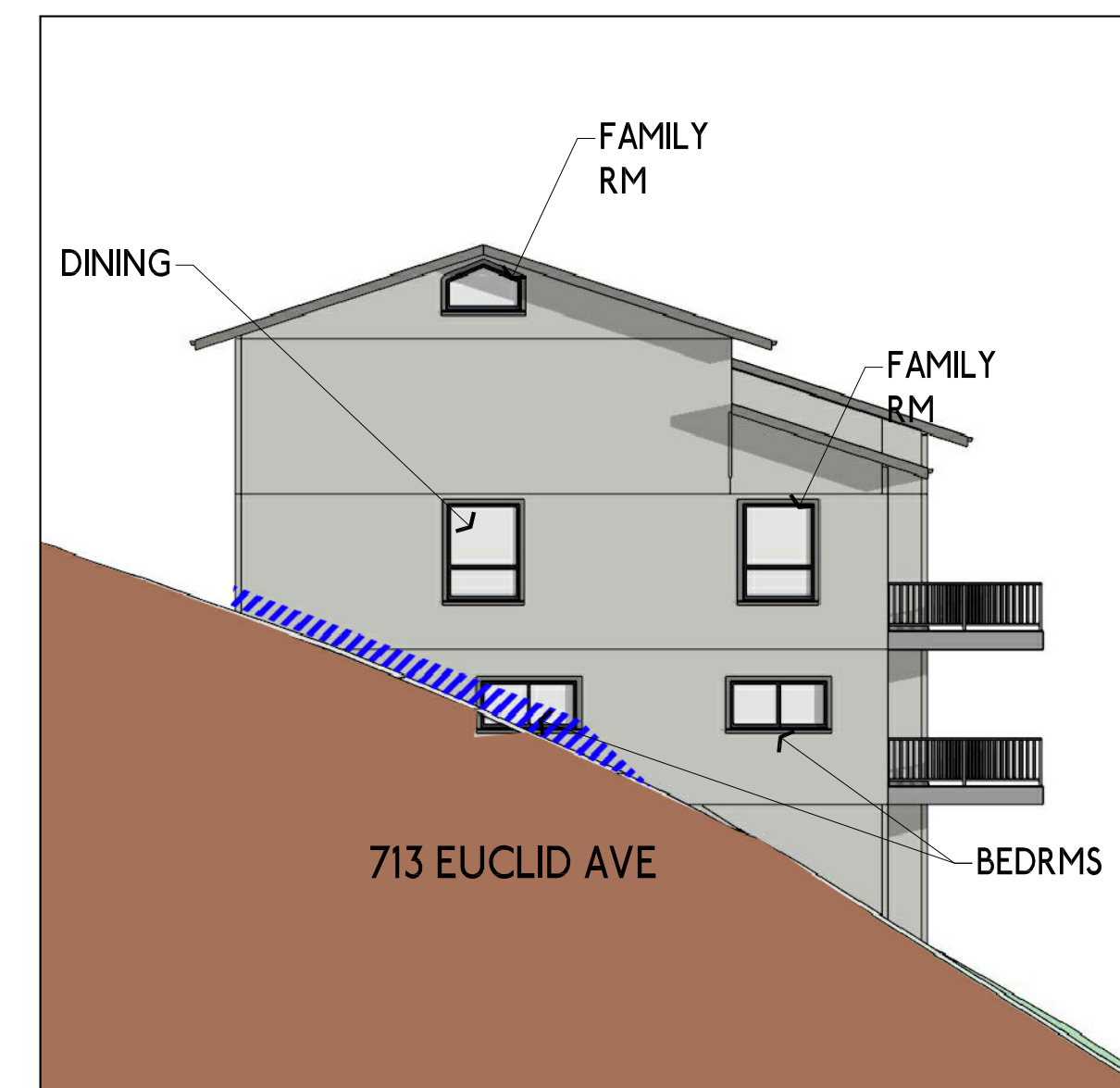
OWNER:
 Tarek Khoury
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SHADOW STUDY PART 2

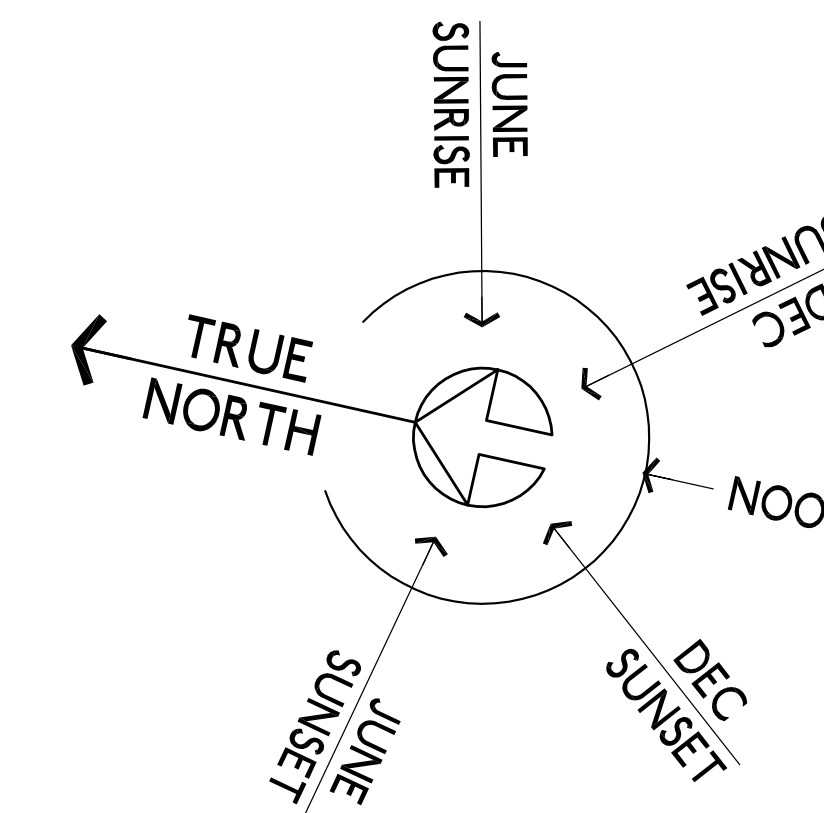
REVISION

No.	Description	Date
1	DESIGN REV	9/21/22
PROJECT No.:		
DRAWN BY: ML		
CHECKED BY: JMN		
DATE: 3/21/22		

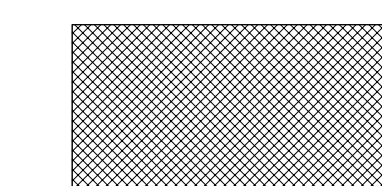
A6.1



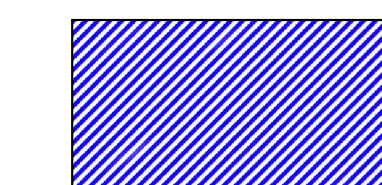
JUNE 21-6:35 PM



LEGEND



NEIGHBORING BUILDINGS
 EXISTING SHADOW

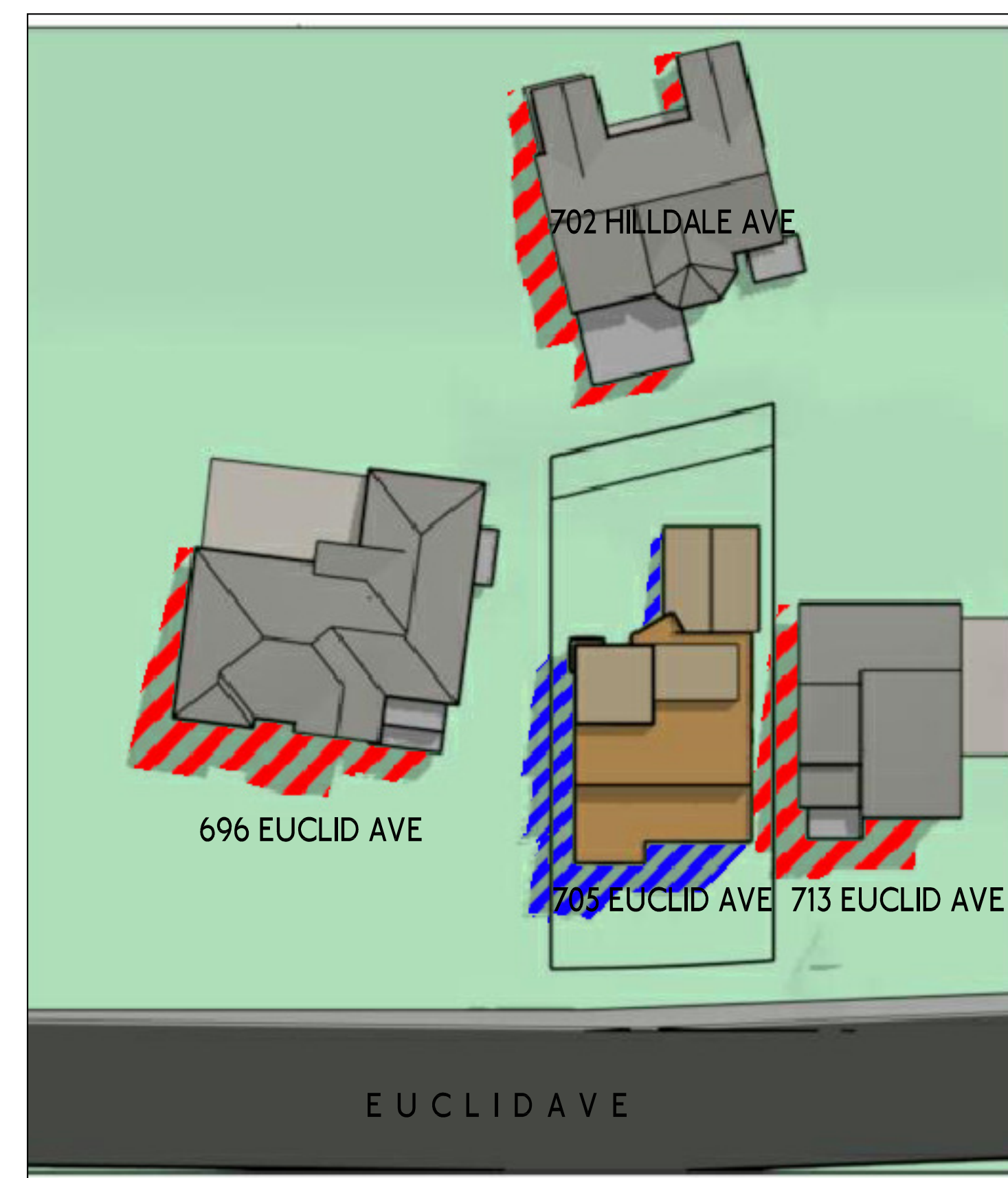


NEW SHADOW

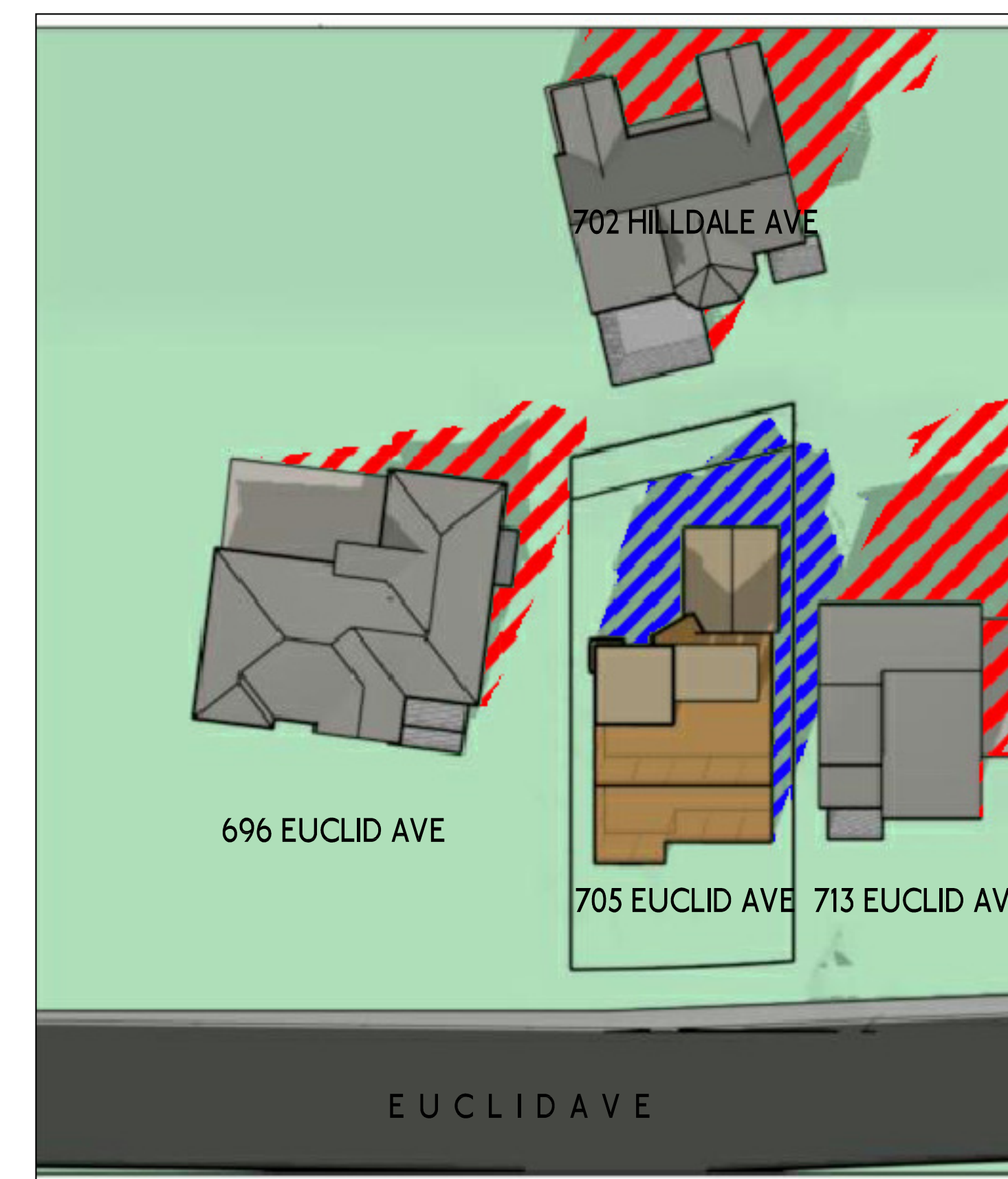
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 THE NEW SHADOWS CAST ARE SHOWN
 IN ELEVATION.



1
 A51 JUNE 21-7:47 AM



2
 A51 JUNE 21-NOON



3
 A51 JUNE 21-6:35 PM

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 APN: 63-2955-40-1

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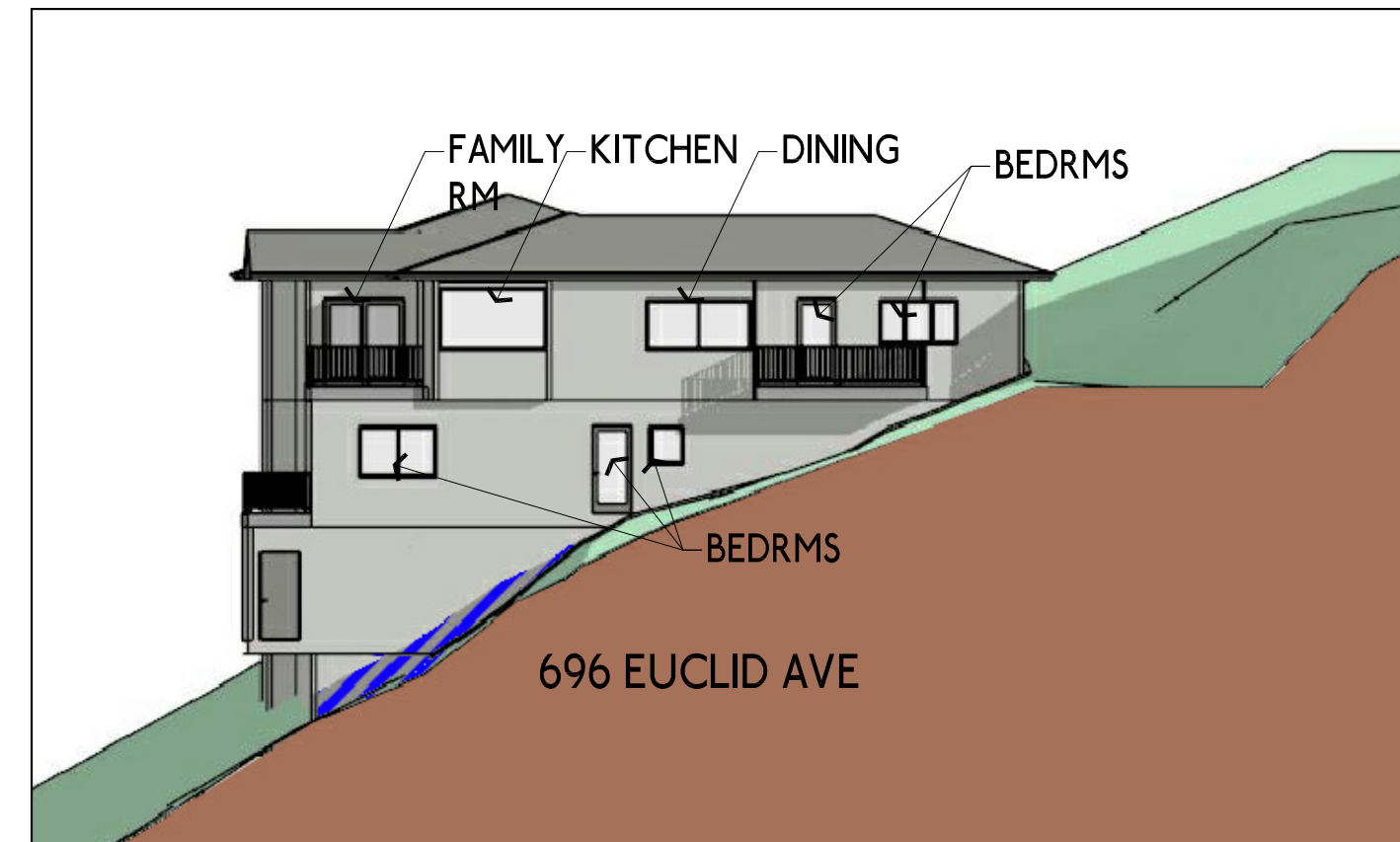
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NEW RESIDENCE

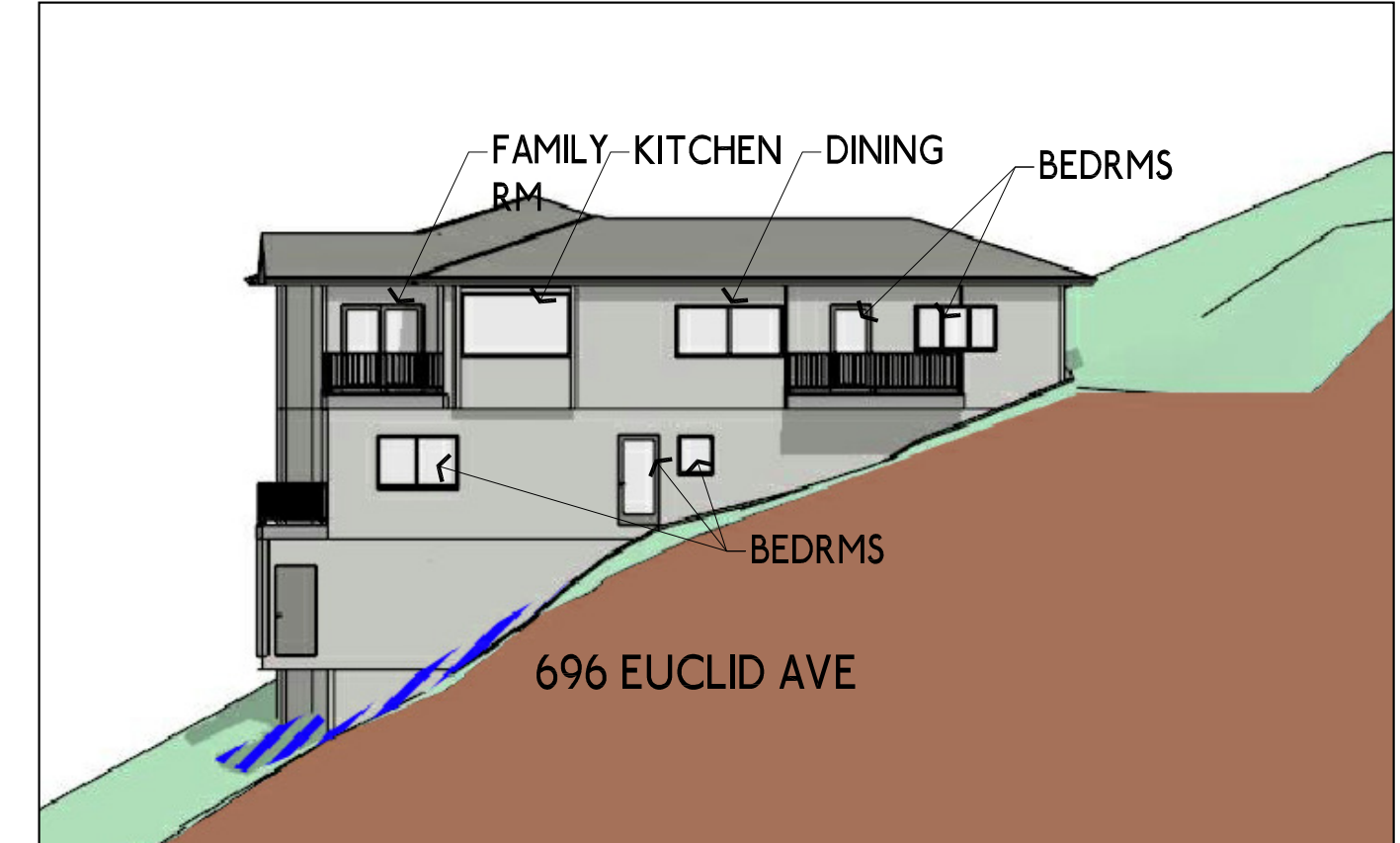
PROJECT ADDRESS:
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 Berkeley, CA 94708
 APN: 63-2955-40-1

OWNER:
 Tarek Khoury
 903 Ventura Ave.,
 Albany, CA 94707
 (510)-387-7100

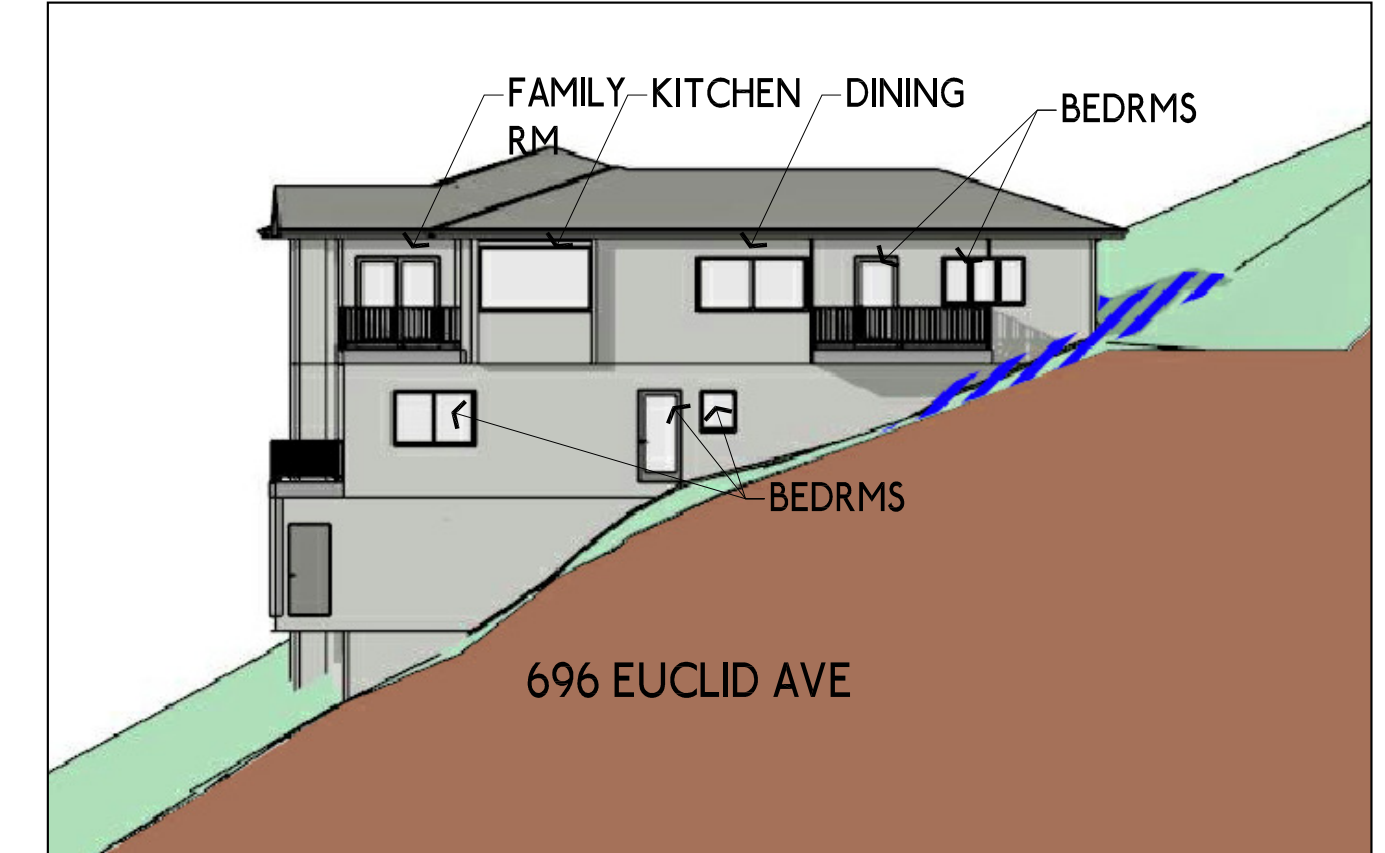
SHADOW STUDY PART 3



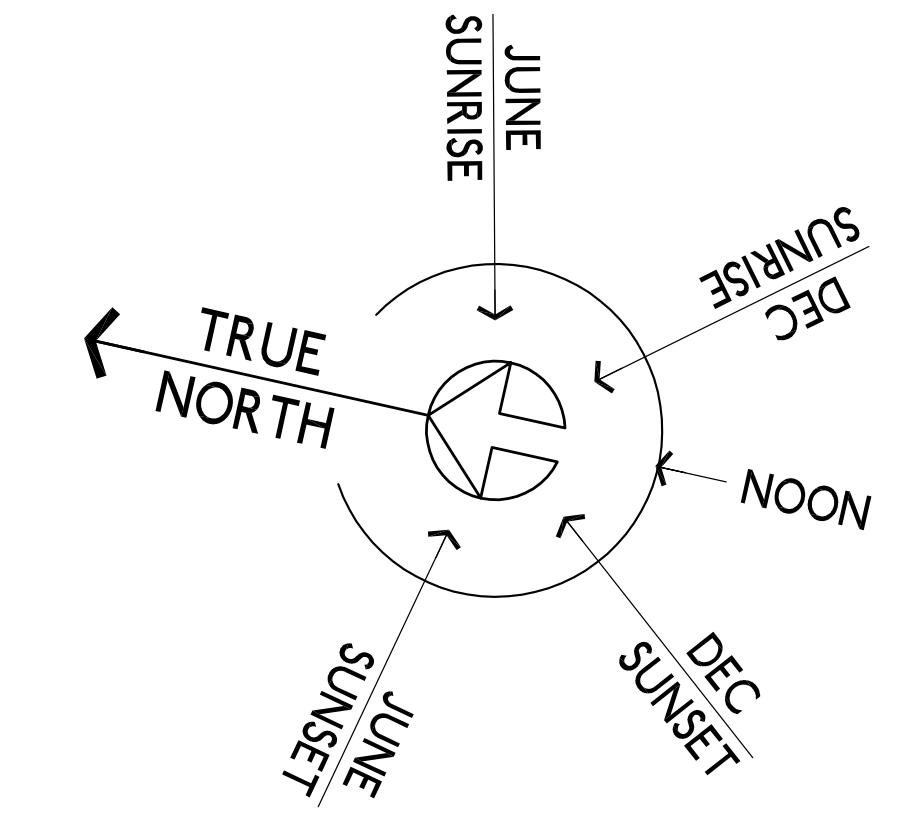
DECEMBER 21-9:21 AM



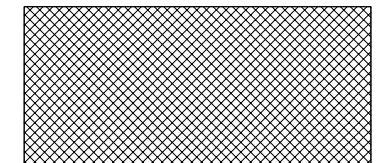
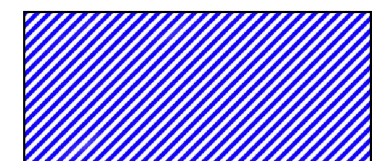
DECEMBER 21-NOON



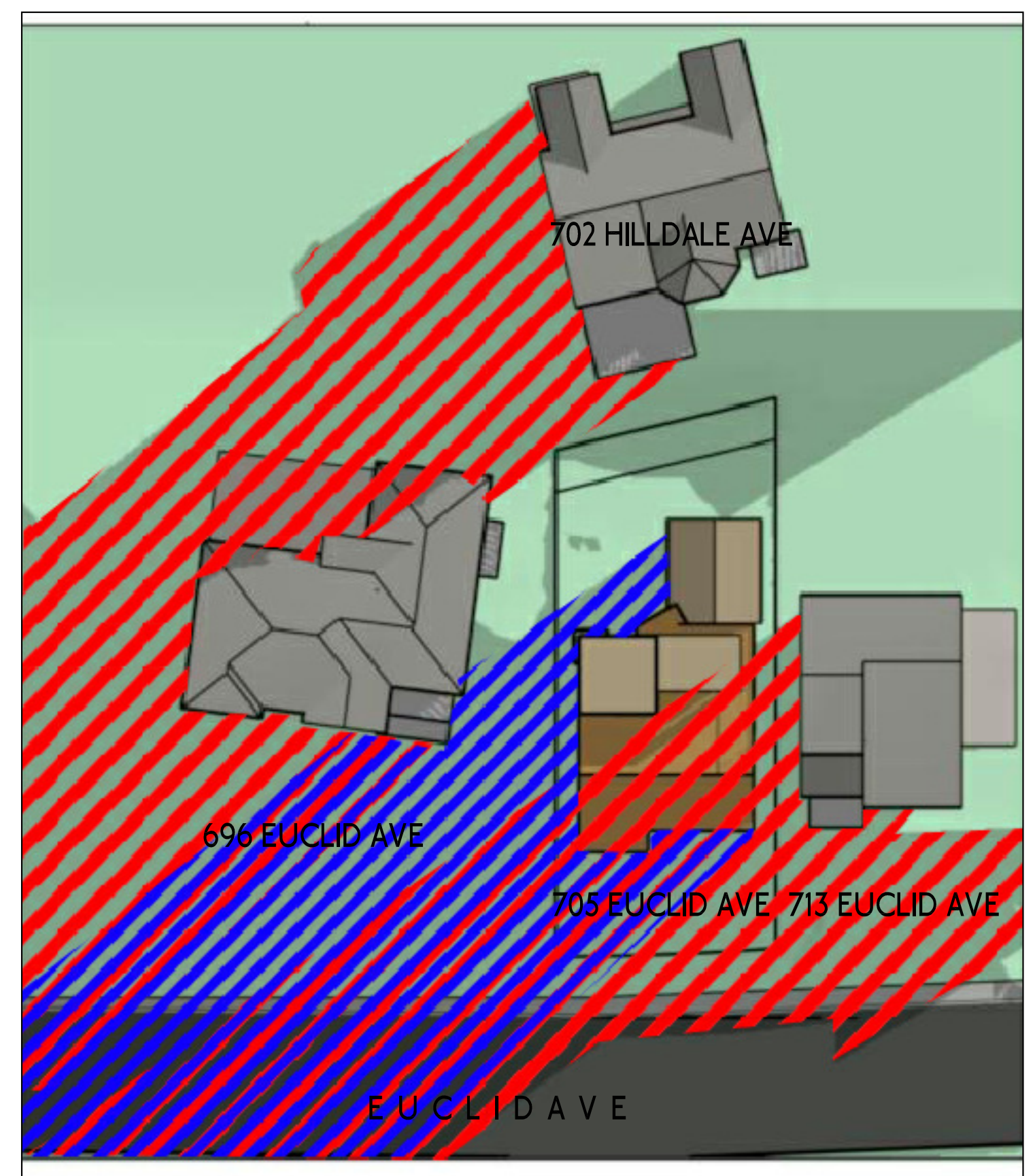
DECEMBER 21-2:53 PM



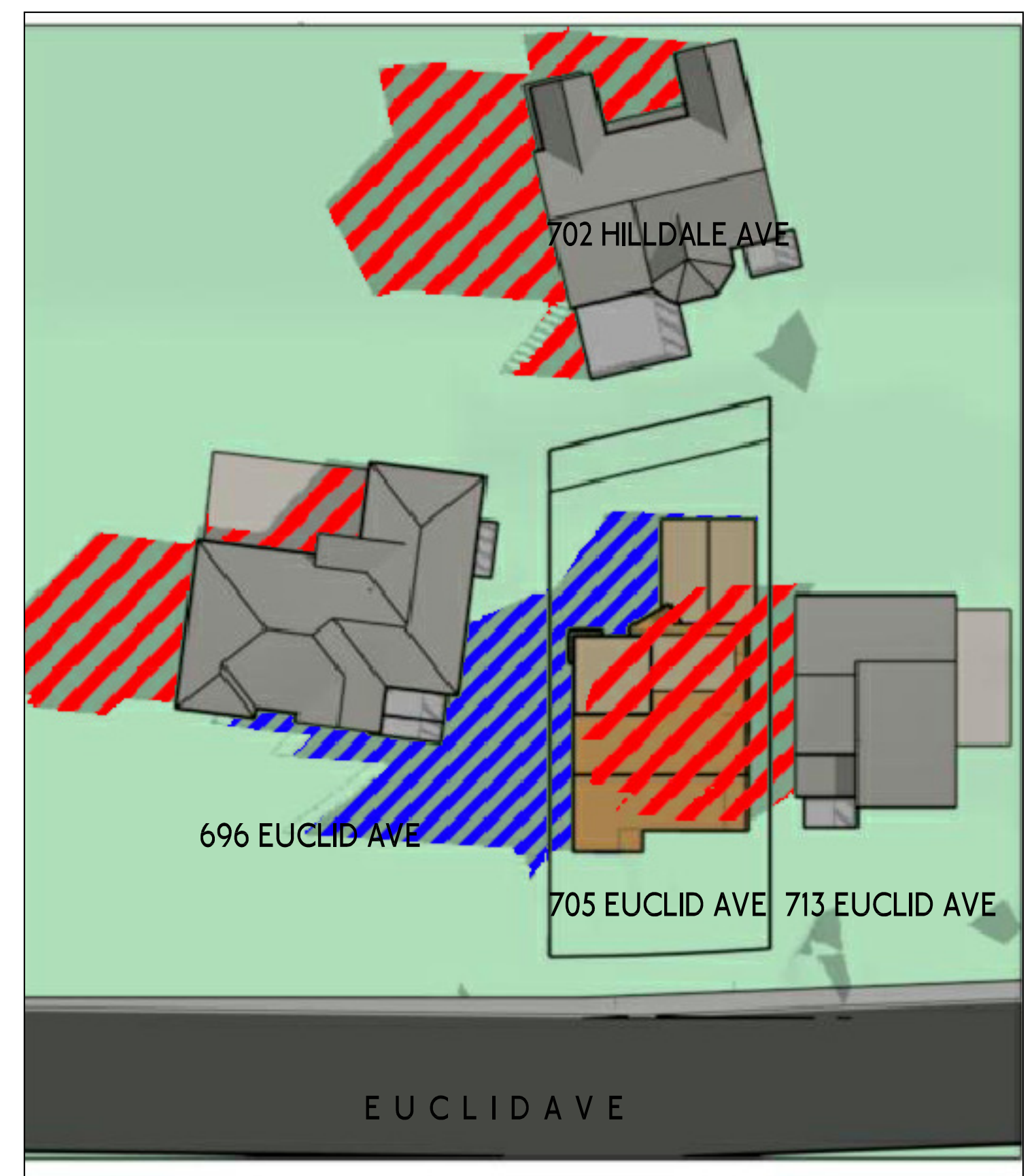
LEGEND

-  NEIGHBORING BUILDINGS EXISTING SHADOW
-  NEW SHADOW

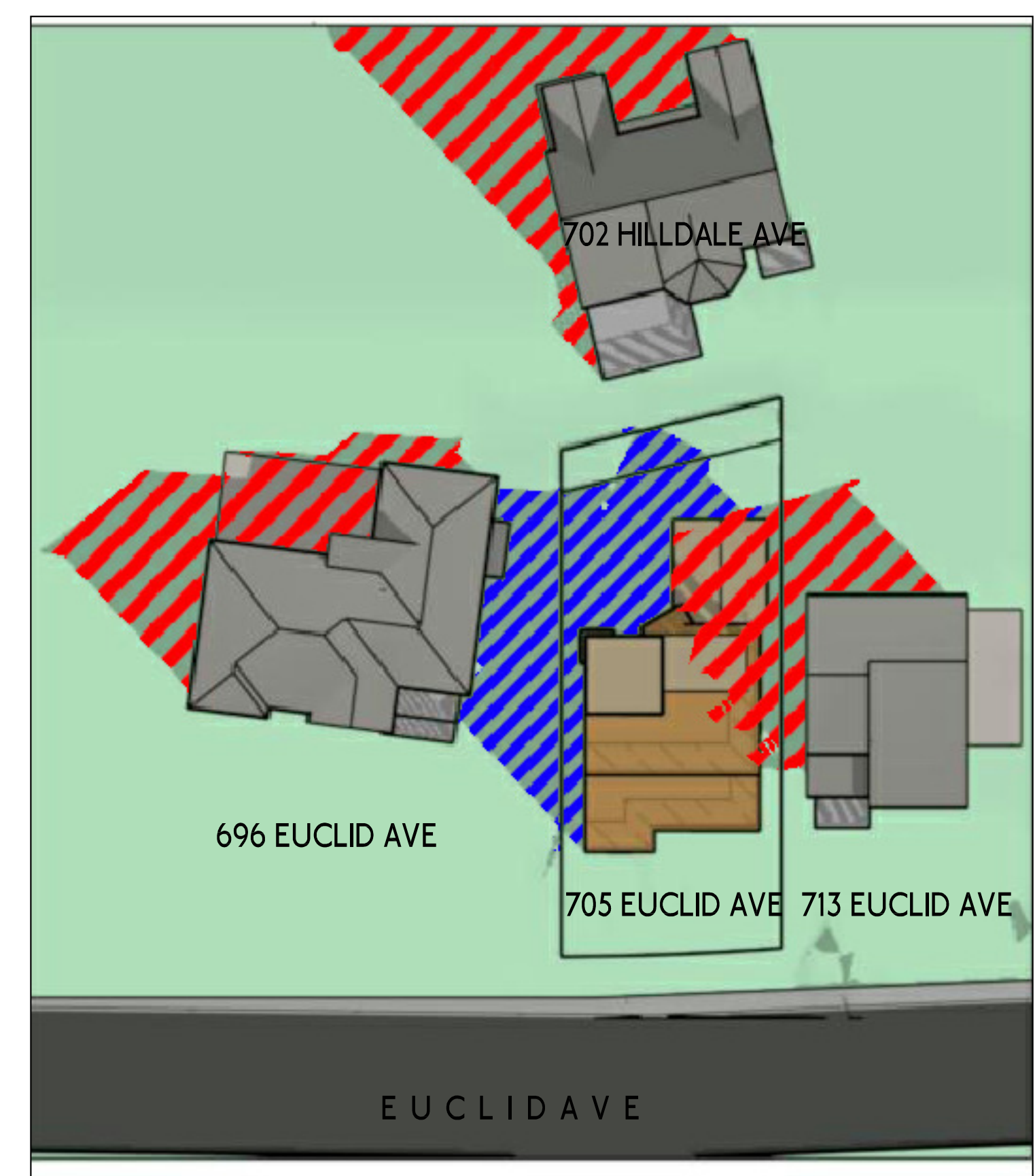
NOTE:
 SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 705 EUCLID AVE. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.



1 AS1 DECEMBER 21-9:21 AM



2 AS1 DECEMBER 21-NOON



3 AS1 DECEMBER 21-2:53 PM

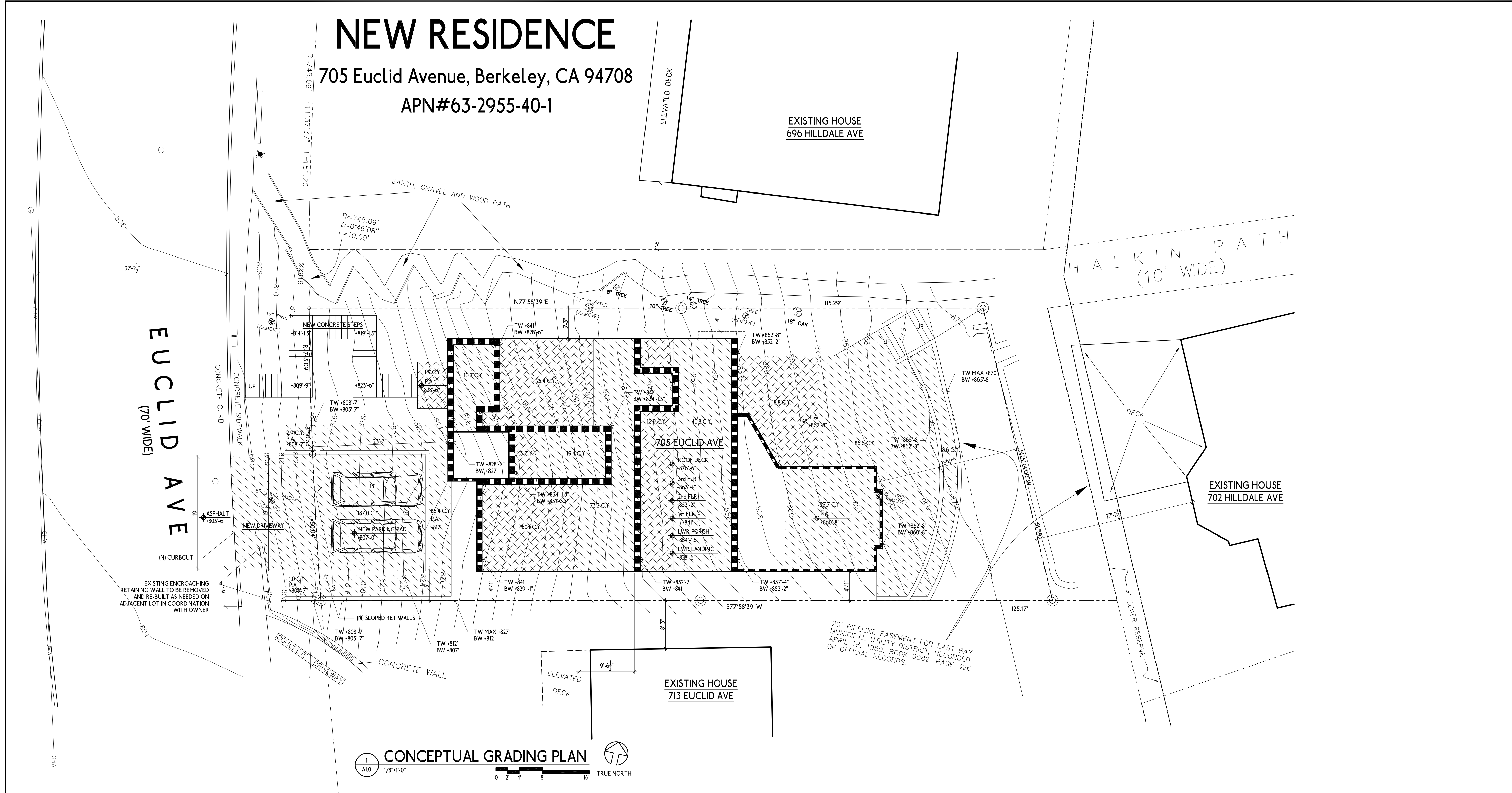


REVISION

No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 3/21/22

A6.2



NEW RESIDENCE

705 Euclid Avenue, Berkeley, CA 94708
APN#63-2955-40-1

EXISTING HOUSE
696 HILLDALE AVE

HALKIN PATH
(10' WIDE)

EUCLID AVE
(70' WIDE)

EXISTING HOUSE
702 HILLDALE AVE

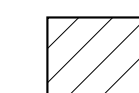
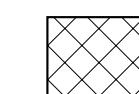
EXISTING HOUSE
713 EUCLID AVE

CONCEPTUAL GRADING PLAN
1/8" = 1'-0" TRUE NORTH

ESTIMATED EARTHWORK QUANTITIES

CUT: 554.3 C.Y.
FILL: 118.4 C.Y.
EXPORT: 435.9 C.Y.

NOTE: GRADING QUANTITIES REPRESENT BANK YARDAGE. IT DOES NOT INCLUDE ANY SWELLING OR SHRINKAGE FACTORS AND IS INTENDED TO REPRESENT IN-SITU CONDITIONS. QUANTITIES DO NOT INCLUDE OVER-EXCAVATION (IF ANY). NOTE ADDITIONAL EARTHWORKS, SUCH AS KEYWAYS OR BENCHING MAY BE REQUIRED BY THE GEOTECHNICAL ENGINEER IN THE FIELD AT THE TIME OF CONSTRUCTION. CONTRACTOR TO VERIFY QUANTITIES

-  CUT EARTH
-  FILLED EARTH

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Cyrus Mashhoodi, PE
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Berkeley, CA 94708
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OWNER:
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903 Ventura Ave.,
Albany, CA 94707
(510)-387-7100

CONCEPTUAL GRADING PLAN

REVISION

No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No.:
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

C1

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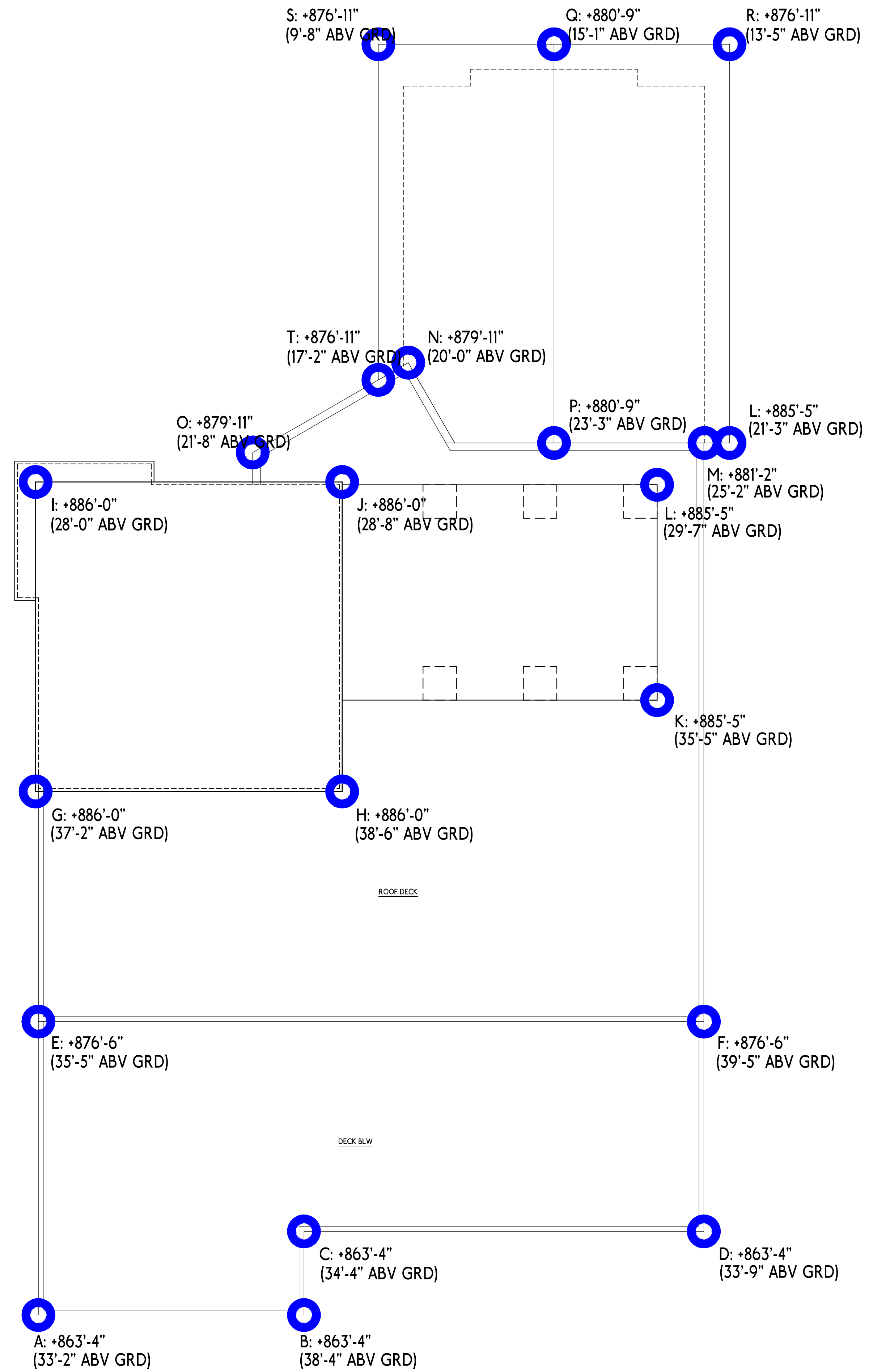
**STORY POLE
 PLAN**

REVISION

No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No. :
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 9/28/22

SP.1



STORY POLE PLAN
 1/4"=1'-0"
 TRUE NORTH

David Fowler Designs

2475 BRUSH CREEK ROAD
SANTA ROSA, CA 95404
707.331.5199
RLAF# 6126
www.davidfowlerdesigns.com
davidfowlerdesigns@gmail.com

landscape architecture | arboriculture | sculpture



APN: 63-2955-40-1
705 EUCLID AVE
BERKELEY, CA 94708

PLANTING PLAN

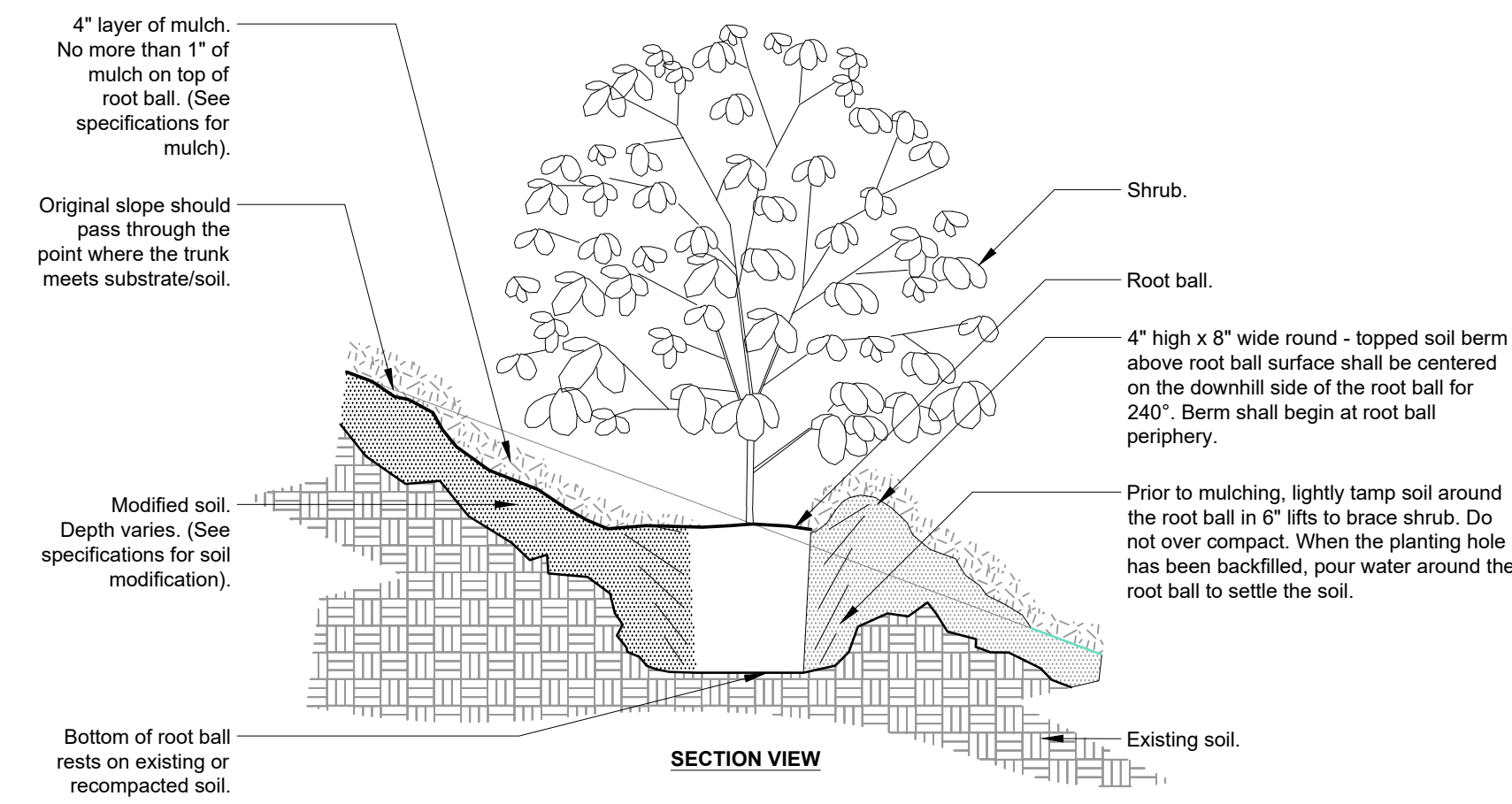
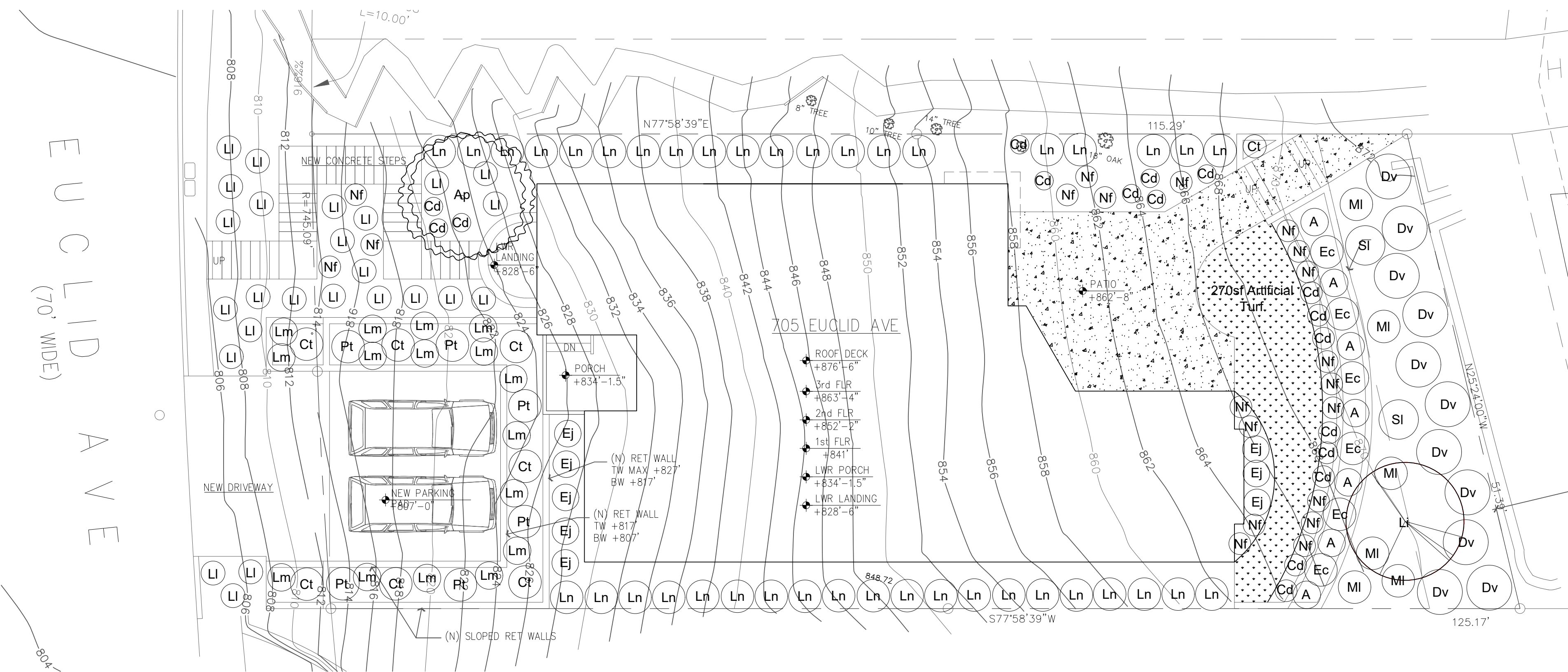
REVISIONS:

DATE	BY	DESCRIPTION

SCALE
1/8" = 1'-0"

DATE
06/23/22

L1

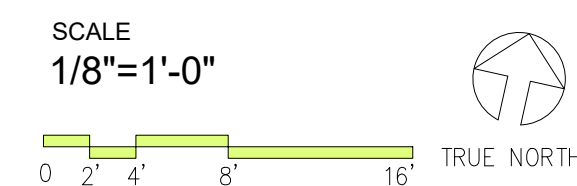


SHRUB ON SLOPE 5% (20:1) TO 50% (2:1) - MODIFIED SOIL

3/4" = 1'-0"

PLANTING LEGEND

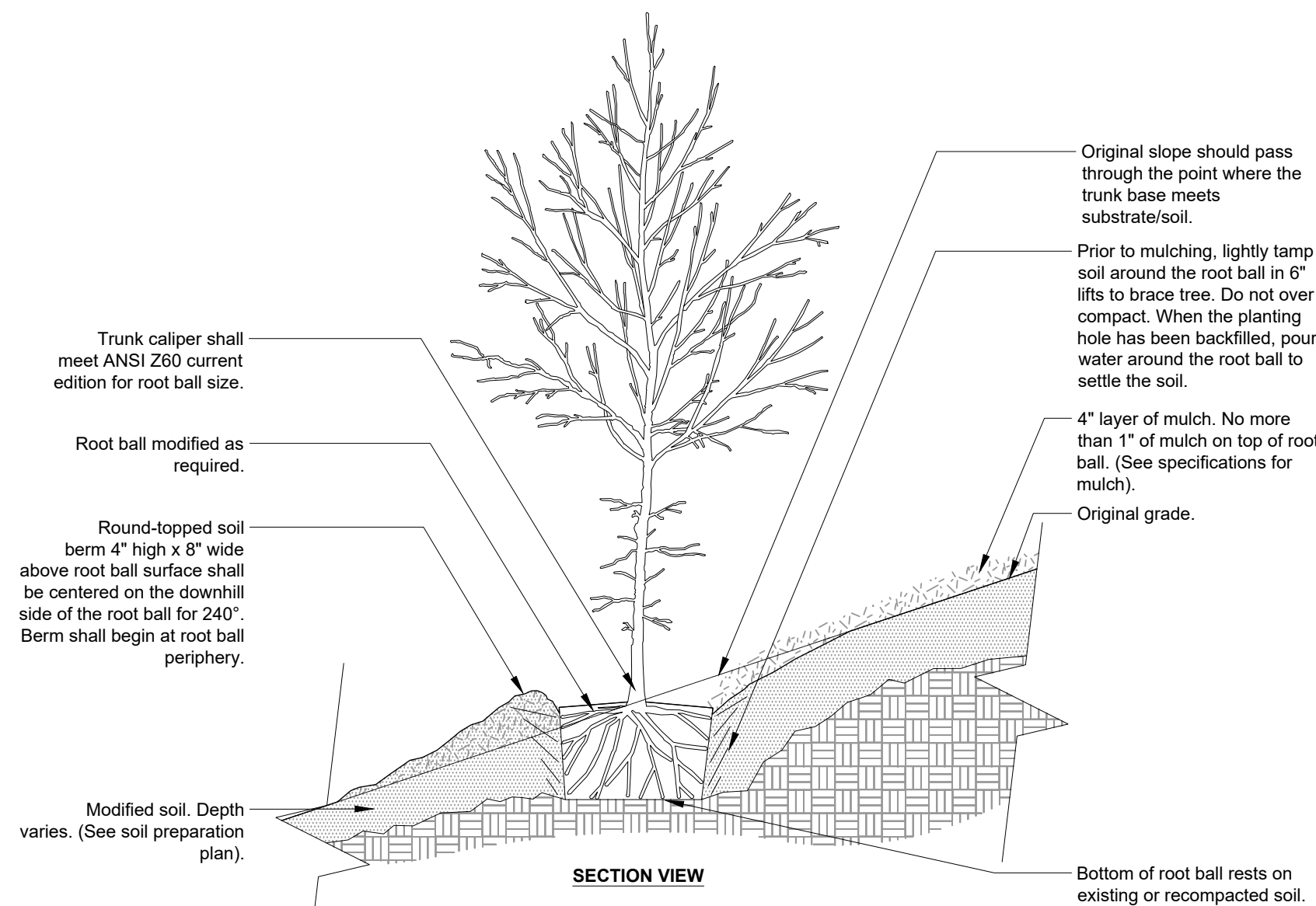
SYMBOLS	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	WELO
A	Anigozanthus flavidus 'Bush Ranger'	Kangaroo Paw	1 gal	7	L
Cd	Carex divulsa	European gray sedge	1 gal	17	L
Ct	Chondropetalum tectorum	Dwarf Cape Rush	5 gal	5	L
Dv	Dodonea viscosa 'Purpurea'	Purple Hopseed Bush	15 gal	11	L
Ec	Euphorbia characias	Mediterranean spurge	1 gal	6	L
Ej	Euonymus japonicus	Evergreen Euonymus	5 gal	8	L
Ln	Laurus nobilis	Bay laurel	15 gal	39	L
Li	Lomandra longifolia 'breeze'	Dwarf Mat Rush	1 gal	21	L
Lm	Lantana montevidensis 'Trailing White'	White Trailing Lantana	1 gal	14	L
MI	Muhlenbergia lindheimeri	Lindheimer's Muhly	1 gal	6	L
Nf	Nepeta faassenii 'Walker's Low'	Catmint	1 gal	20	L
Pt	Phormium tenax 'Maori Queen'	New Zealand Flax	5 gal	6	L
SI	Salvia leucantha	Mexican Bush Sage	5 gal	2	L
TREES					
Ap	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	15 gal	1	M
Li	Lagerstroemia indica 'Natchez' (Std)	Natchez Crape Myrtle	15 gal	1	L



Soil and Planting Notes:

- A minimum of 8" of non-mechanically compacted soil shall be available for water absorption and root growth in planting areas.
- Incorporate compost or natural fertilizer into the soil to a minimum depth of 8" at a minimum rate of 6 cubic yards per 1000 square feet or per specific amendment recommendations from a soils laboratory report.
- A minimum 3" layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications.

"I have complied with the criteria of the ordinance and applied them for the efficient use of water in the planting design"



TREE ON SLOPE 5% (20:1) TO 50% (2:1) (EXISTING SOIL MODIFIED)

1/2" = 1'-0"

Maximum Applied Water Allowance Calculations for New and Rehabilitated Residential Landscapes		
Enter value in Pale Blue Cells		
Tan Cells Show Results		
Messages and Warnings		
Click on the blue cell on right to Pick City Name	Oakland	Name of City
ET _c of City from Appendix A	41.80	ET _c (inches/year)
	0	Overhead Landscape Area (ft ²)
	1955	Drip Landscape Area (ft ²)
	0	SLA (ft ²)
Results:	1,955.00	Total Landscape Area
(ET _c) x (0.62) x [(0.55 x LA) + (1.0 - 0.55) X SLA]	-	Gallons
	-	Cubic Feet
	-	HCF
	-	Acre-feet
	-	Millions of Gallons
MAWA calculation incorporating Effective Precipitation (Optional)		
Precipitation (Optional)		
ET _c of City from Appendix A	41.80	ET _c (inches/year)
Total Landscape Area	1,955.00	LA (ft ²)
Special Landscape Area	0.00	SLA (ft ²)
	24	Total annual precipitation (inches/year)
Enter Effective Precipitation	6.00	Eppt (in/yr)(25% of total annual precipitation)
Results:	23,870.55	Gallons
MAWA = [(ET _c - Eppt) x (0.62)] x [(0.55 x LA) + ((1.0 - 0.55) x SLA)]	3,191.04	Cubic Feet
	31.91	HCF
	0.07	Acre-feet
	0.02	Millions of Gallons

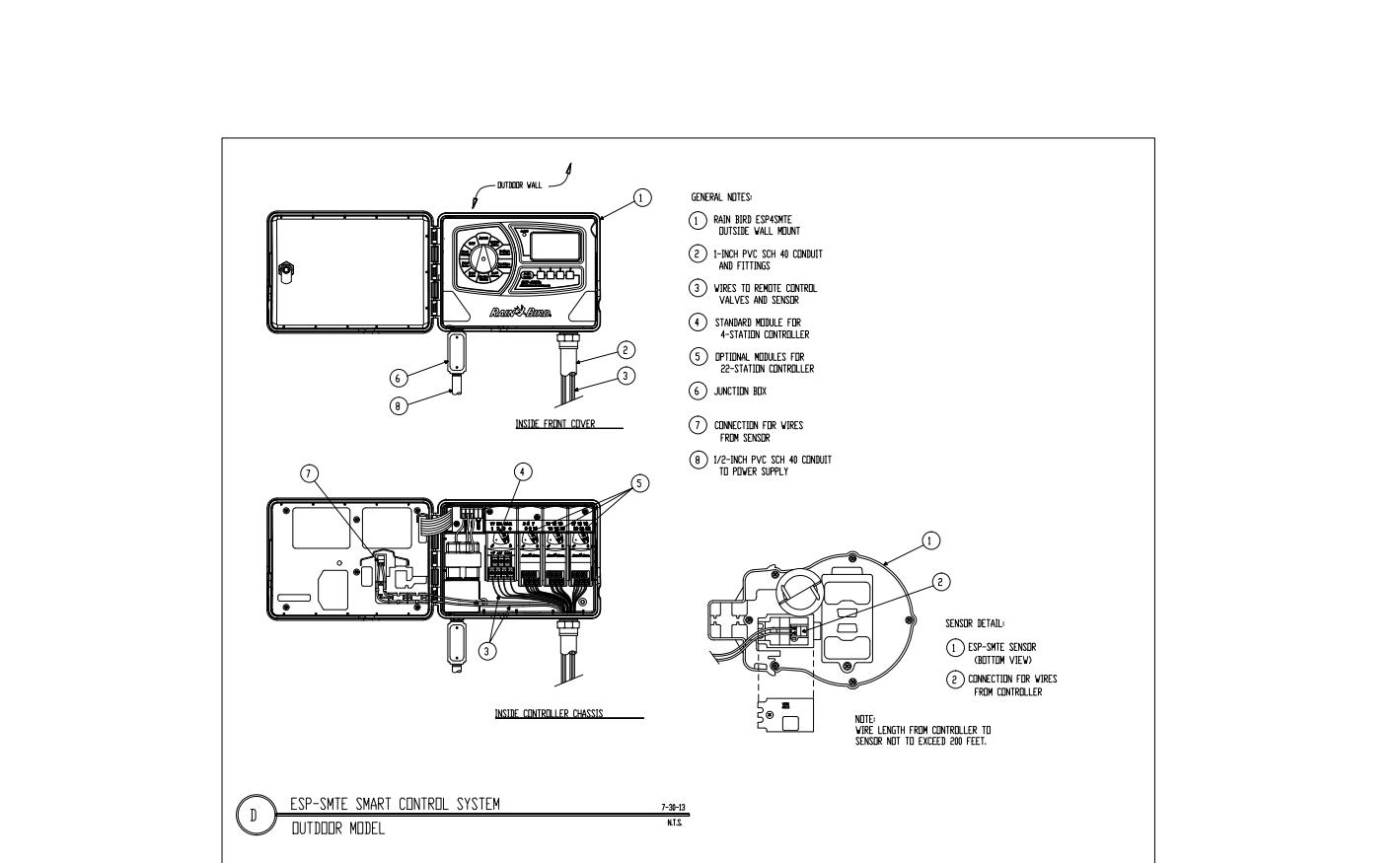
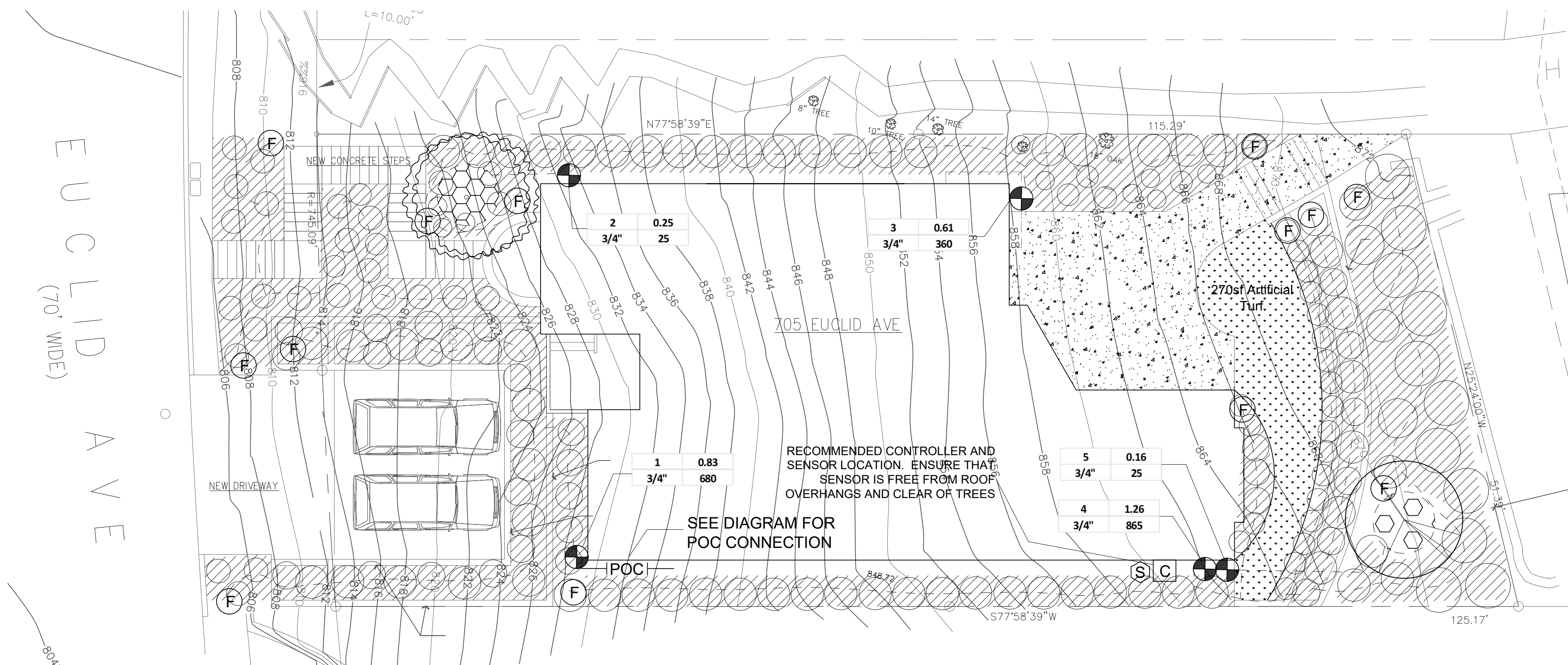
Estimated Total Water Use		
Equation: ETWU = ET _c x 0.62 x [(PF x HA)/IE] + SLA; Considering precipitation ETWA = (ET _c - Eppt) x 0.62 x [(PF x HA)/IE] + SLA		
Enter values in Pale Blue Cells		
Tan Cells Show Results		
Messages and Warnings		

Irrigation Efficiency Default Value for overhead 0.75 and drip 0.81.	
Plant Water Use Type	Plant Factor
Very Low	0 - 0.1
Low	0.2 - 0.3
Medium	0.4 - 0.6
High	0.7 - 1.0
SLA	1

Hydrozone	Select System From the Dropdown List click on cell below	Plant Water Use Type (s) (low, medium, high)	Plant Factor (PF)	Hydrozone Area (HA) (ft ²) Without SLA	Irrigation Efficiency (IE)	(PF x HA (ft ²))/IE
Zone 1	Drip	Low	0.20	680	0.81	168
Zone 2	Drip	Medium	0.50	25	0.81	15
Zone 3	Drip	Low	0.20	360	0.81	89
Zone 4	Drip	Low	0.20	865	0.81	214
Zone 5	Drip	Low	0.20	25	0.81	6
						492
		SLA		0		0
		Sum		1,955		

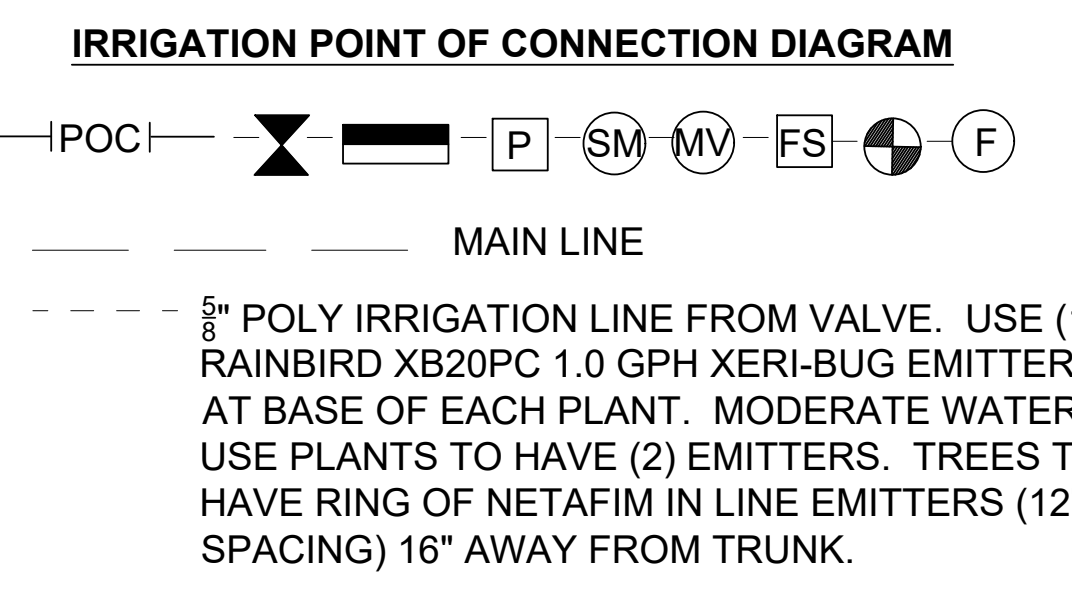
Results		
MAWA =	23,871	ETWU= 10,922 Gallons
		1,460 Cubic Feet
		15 HCF
		0 Acre-feet
		0 Millions of Gallons

ZONE #	FLOW RATE (GPM)	PLANT DESCRIPTION	HYDROZONE TYPE	IRRIGATION METHOD	AREA (SQ. FT)
1	0.83	SHRUBS/GROUNDCOVER	LOW	POINT SOURCE DRIP	680
2	0.25	TREES	MOD	DRIP RING	25
3	0.61	SHRUBS/GROUNDCOVER	LOW	POINT SOURCE DRIP	360
4	1.26	SHRUBS/GROUNDCOVER	LOW	POINT SOURCE DRIP	865
5	0.16	TREES	LOW	DRIP RING	25
		TOTAL SF			1955



Irrigation Legend

- C** RAINBIRD SMART IRRIGATION CONTROLLER- SEE SPECS ON THIS SHEET
- P** PRESSURE REGULATOR
- S** RECOMMENDED RAIN SENSOR LOCATION
- N** NEW VALVE LOCATION. ALL IRRIGATION VALVES FOR DRIP AND INLINE EMITTERS TO HAVE 30 PSI PRESSURE REDUCER
- F** FLUSH VALVE LOCATION
- POC** POINT OF CONNECTION
- SM** PRIVATE IRRIGATION SUBMETER (ONLY AS REQUIRED FOR LANDSCAPES OVER 5000 SF)
- MV** MASTER VALVE
- FS** PRESSURE REGULATOR: WATTS LFN45B PRESSURE REDUCING VALVE MODEL #LFN45BM1-U 3/4" OR EQUIVALENT
- B** BACKFLOW PREVENTION DEVICE AND MANUAL SHUTOFF LOCATION: WATTS 800M4 BRONZE FNPT PRESSURE VACUUM BREAKER. Model #800M4-QT OR EQUIVALENT



- 4 | 25 | 3 | 185** VALVE/ZONE NUMBER
- 4 | 25** FLOW RATE (GALLONS PER MINUTE)
- 3 | 185** ZONE AREA IN SQUARE FEET
- 3** VALVE SIZE

Irrigation Notes

- USE BELOW GROUND VALVES AND LOCATE IN AREAS HIDDEN FROM VIEW IF POSSIBLE.
- USE RAINBIRD SMART CONTROLLER WITH RAINSENSOR AND SEASONAL ADJUSTMENT
- ALL PLANTINGS TO USE DRIP IRRIGATION UNLESS OTHERWISE NOTED
- LAWN TO USE SUBSURFACE DRIP IRRIGATION SUCH AS NETAFIM TECHLINE
- BERM AROUND ALL TREES. PLACE MULTIPLE EMITTERS AT LEAST 6-12" AWAY FROM TRUNK OF TREE. TREES TO BE ON SEPARATE VALVE FROM LANDSCAPE PLANTS
- SEE PLANTING PLAN FOR EXACT NUMBER OF EMITTERS NECESSARY
- NO SPRINKLERS OR OVERHEAD SPRAY DEVICES ARE TO BE USED ON THIS PROJECT

Hydrozone Legend

- LOW WATER USE - HYDROZONE SHRUBS & GRASSES
- LOW WATER USE - HYDROZONE TREES
- MOD WATER USE - HYDROZONE TREES

Project Notes:

- Total landscaped area: 1955 sf
- 100% of landscaped area on drip irrigation (no spray heads)
- Low and moderate water use plants on separate valves
- Trees on separate valves
- Dedicated irrigation meter not required because landscaped area is less than 5000 sf
- Certificate of completion: applicant shall submit a landscape audit report verifying installation and irrigation efficiency per design on a form provided by the East Bay Municipal Utility District

"I have complied with the criteria of the ordinance and applied them for the efficient use of water in the irrigation design"

David Fowler Designs

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SANTA ROSA, CA 95404
707.331.5199
RLA# 61126
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dfowledesigns@gmail.com

landscape architecture | arboriculture | sculpture



APN: 63-2955-40-1
705 EUCLID AVE
BERKELEY, CA 94708

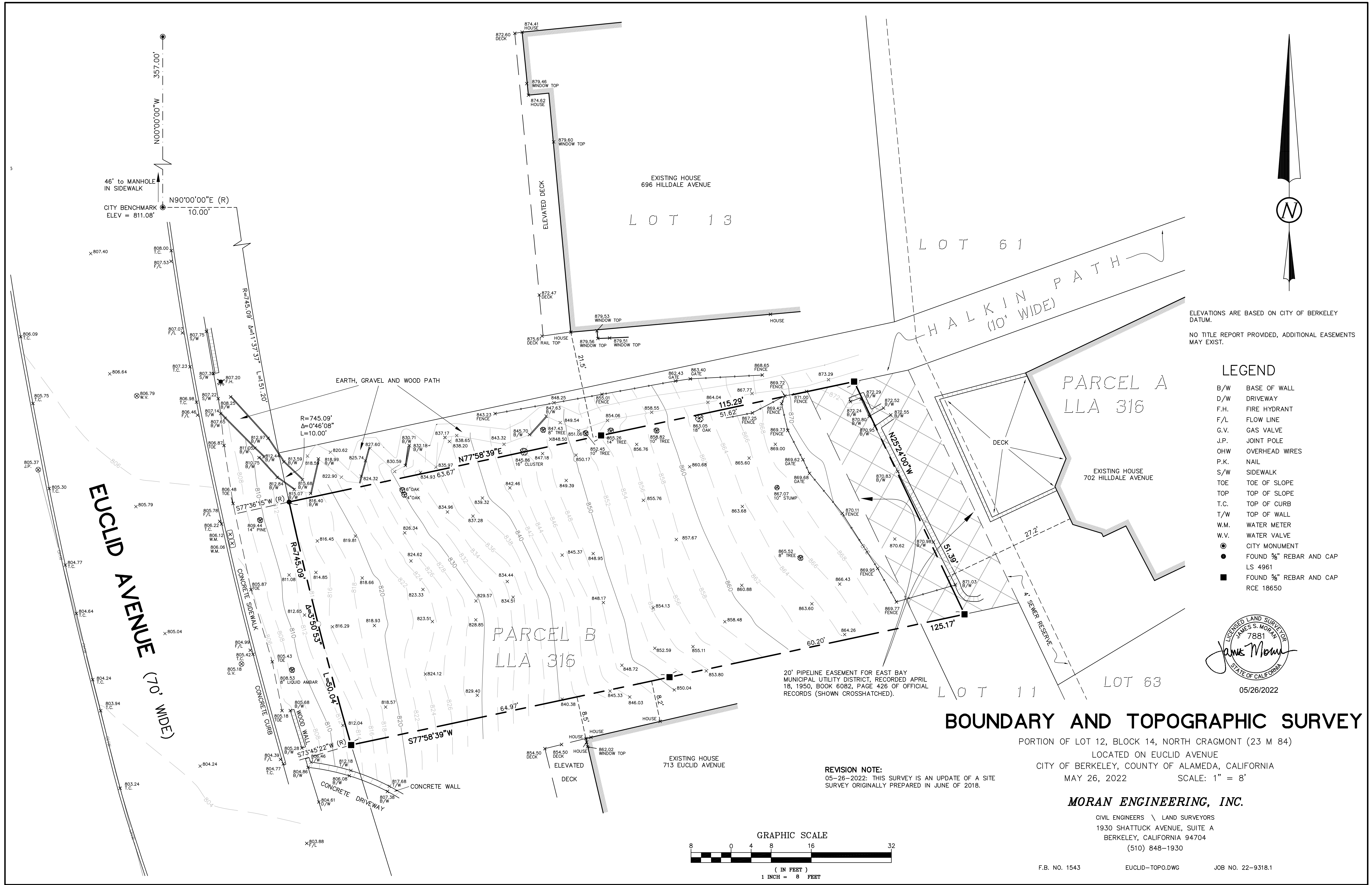
IRRIGATION PLAN

REVISIONS:	
DATE	DESCRIPTION

SCALE
1/8"=1'-0"

DATE
06/23/22

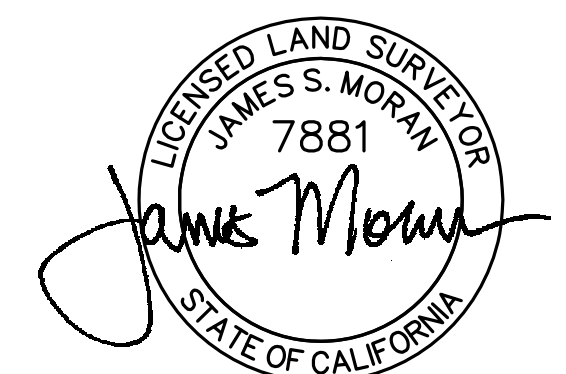
L2



ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
NO TITLE REPORT PROVIDED, ADDITIONAL EASEMENTS MAY EXIST.

LEGEND

- B/W BASE OF WALL
- D/W DRIVEWAY
- F.H. FIRE HYDRANT
- F/L FLOW LINE
- G.V. GAS VALVE
- J.P. JOINT POLE
- OHW OVERHEAD WIRES
- P.K. NAIL
- S/W SIDEWALK
- TOE TOE OF SLOPE
- TOP TOP OF SLOPE
- T.C. TOP OF CURB
- T/W TOP OF WALL
- W.M. WATER METER
- W.V. WATER VALVE
- CITY MONUMENT
- FOUND 5/8" REBAR AND CAP LS 4961
- FOUND 5/8" REBAR AND CAP RCE 18650



05/26/2022

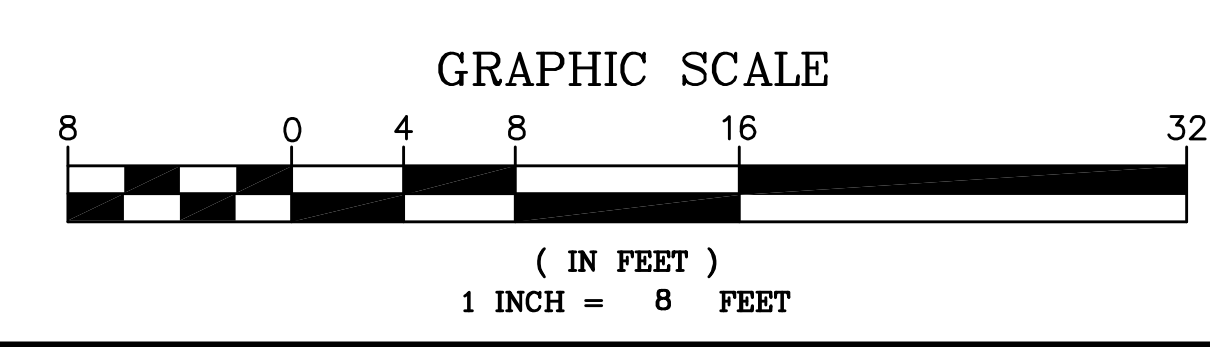
BOUNDARY AND TOPOGRAPHIC SURVEY

PORTION OF LOT 12, BLOCK 14, NORTH CRAGMONT (23 M 84)
LOCATED ON EUCLID AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
MAY 26, 2022 SCALE: 1" = 8'

MORAN ENGINEERING, INC.

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

REVISION NOTE:
05-26-2022: THIS SURVEY IS AN UPDATE OF A SITE SURVEY ORIGINALLY PREPARED IN JUNE OF 2018.



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Martin Arnest

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Arborist Assessment and Plan for Tree Protection

re: Coast Live Oak (*Quercus agrifolia*)

Prepared for the applicant:

Tarek Khoury

project stie:

705 Euclid Ave., Berkeley, APN 63-2955-40-1

May 26, 2022



(fig. 1)

SUMMARY:

This Arborist Assessment and Plan for Tree Protection specifically regards the mature Coast Live Oak (*Quercus agrifolia*) (fig. 1) located just within the property line of 705 Euclid Avenue in Berkeley, approximately 12' off the location of the north corner of the proposed new structure, and is submitted for the City of Berkeley as a condition for approval of the project, regarding the construction of a new home on an undeveloped lot.

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Page A1 of the project plans, titled "SITE PLAN & PROJECT INFO," (hereafter referred to as "site plan") shows a tree denoted as '18" Oak' on the site plan, and is the only tree covered in this report.

Based on my preliminary, visual, non-invasive observations of the tree and the site of the proposed work; my understanding of the work to be performed; and my consideration of the site and preliminary plans; my opinion is that the tree is not likely to be severely impacted by the activities that will be necessarily performed in the vicinity of the tree, provided that the contractor(s) faithfully observe the tree protection plan.

OBSERVATIONS:

The tree is a mature example of the species, approximately 20" **dbh** (see Definitions below). While the foliage is robust and the tree appears at present to be vigorous, there are signs of a complicated past. The main trunk has a moderate lean, but separates into two main stems which have developed with corrective, generally upright growth. (*fig. 1,2*)



(*fig.2*)

However, the tree has obviously been subjected to several instances of severe pruning. On the one hand, several large limbs were removed at sometime in the recent past, and on the other, the tree shows clear signs of having been **topped**. Based on the amount of re-growth, the

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topping cuts appear to have been made at least a decade ago, and the result is a somewhat erratic and leggy limb distribution. (fig.3)



(fig.3)

The **root crown** has a well-formed flare, and there does not appear to have been at any time a grade change, two conditions that lend themselves to the stability of the tree. (fig.4) The tree stands just inside the property line, just over the other side of which exists a foot path running through the **inner critical root zone** of the tree. (see *SITE PLAN, appendix A*) The foot path does not appear to be subject to heavy traffic that might lead to soil compaction, but it is notable that the path is not privately owned and burdened by easement, but is in fact City-owned land.



(fig.4)

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There exist several pronounced bark fissures on the main trunk below the main fork, discussed below. (fig.5.1, .2)

(fig.5.1)



(fig.5.2)



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The lot is a steep undeveloped lot, and lush vegetation conceals much of the open space from the street below and in some areas from neighboring properties. As such the property no doubt has a history that might be beyond discovery, notably including the improper topping that was performed on the Oak.

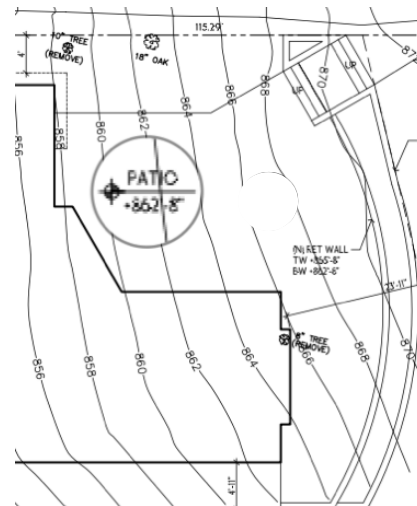
CONSIDERATIONS:

The Coast Live Oak, with its extensive network of shallow roots, is well known by arborists to be as sensitive to construction stress as it is worthy of extra protection and consideration during construction projects. Any basic tree protection plan will tend to include measures to mitigate the severity of such conditions and their long term impacts on the health and stability of the tree or trees.

During a typical construction project — even those that are not being performed within, but that might require traffic of workers and equipment through the tree's **drip line** — the most likely causes of negative impact for trees is mechanical injury to the trunk or limbs, and soil compaction. As such, minimizing traffic and activity within the drip zone of the tree over the course of the entire project, and even in the months after the project is complete, will be the primary consideration. Whenever the work includes trenching, digging or significant grade changes in the drip zone, the additional need to minimize mechanical injury to significant roots and root structures must also be taken into consideration.

In the present case, an unusual circumstance exists in that several significant large trunks have been removed over the property of unknown size and orientation, and at an indeterminate time. Thus, it is not possible to conclude in the normal fashion what part of the property includes the drip zone of the tree, so the term **critical root zone (CRZ)**, often considered synonymous with "drip zone" would be a better term to refer to this area. The possibility that significant roots exist in areas where there is no canopy overhead can not be ruled out.

Otherwise, nearly all of the canopy overhangs the public pathway and the neighboring property to the north. While every measure will be taken to minimize impact to the CRZ of the tree, a significant share of the critical root zone exists outside the control of the property owner.



(dtl.2)

The plans call for a significant excavation to be performed in order to construct a retaining wall and create a terraced space for the area marked 'Patio' (dtl.2); and to construct some indeterminate section of the rear foundation of the house. At its closest, this area appears to skirt to within approximately 8'-10' to the tree. In spite of the condition described

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above, it would be in this area and during this phase of the work that roots two-inch or larger may be encountered, and precautions to mitigate damage to such roots is described below in the Measures for Tree Protection section. Nevertheless, it is my opinion that the impacted portion represents sufficiently limited square footage relative to the overall area of the tree's root system to be of only minor concern

The bark fissures noted above should not be mistaken for stress fractures or the like. Often when transitory conditions such as high winds or heavy rains result in atypical, high loads, it is normal for Oaks to effectuate significant wood production to build compensatory strength and stability. This wood development often outpaces the production of bark, and tends to result in such fissures, and tends also to be a sign of good health and vigor. The added condition that the tree has had a significant amount of growth removed in the indeterminate past suggests that in spite of the unusual branch distribution, the forces that might compromise the stability of the tree have been reduced, while the strength of the wood and roots has not.

More concerning to the long-term health and stability of the tree in my opinion would be the possibility of excessive foot traffic on the public foot path through the inner critical root zone causing compaction of soil; but from what I am able to observe, the use of the path is infrequent, and thus appears to be of only minimal concern.

As the project is on an undeveloped lot, there are no existing utilities to be noted.

None of the proposed construction will necessitate pruning, given the existing configuration of the canopy. None of the proposed work will be performed in the tree's **inner critical root zone**, obviating the need for protection of the tree trunk from mechanical injury. Given the lack of canopy overhanging the property itself, for the most part tree protection will consist mostly of implementing best practices when roots larger than two inches are encountered, and delineating a tree protection zone for the duration of the project, discussed in detail below.

CONCLUSIONS:

The construction plan will in my opinion have minimal direct impact to the tree's long-term health, provided that the contractor(s) faithfully observe the tree protection plan.

Arborist disclosure: All observations are based on conditions present during the date or dates of arborist visits, and observable without recourse to excavating, probing, climbing, dissecting, or any other form of invasive inspection. Opinions, recommendations and conclusions are based on such observations, as well as on the reports of owners and agents as to existing conditions and proposed work. Observations, opinions and conclusions regarding the health, safety and stability of the tree or trees does not reflect assumptions about conditions that exist outside the purview of this report.

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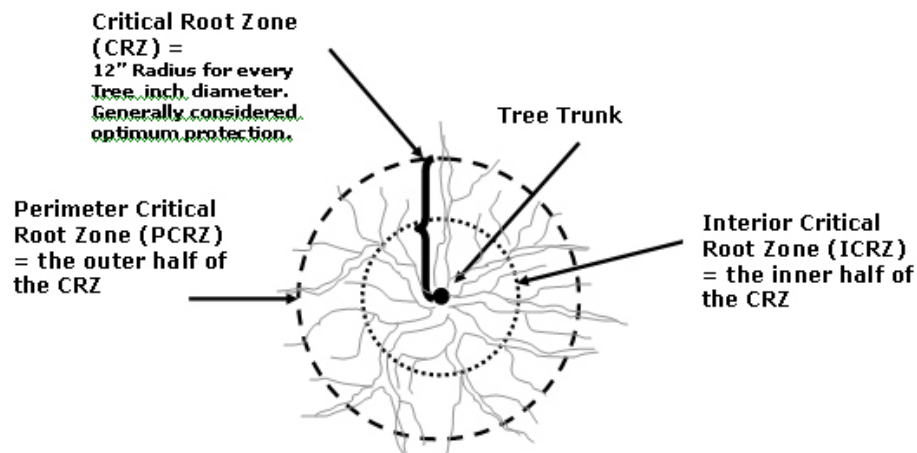
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DEFINITIONS:

Critical Root Zone (CRZ): Though arborists use a variety of ratios to calculate the critical root zone of a tree, it generally corresponds to a foot of radius surrounding the tree for every inch of diameter of the tree's trunk measured at breast height. It describes the area where the majority of any tree's critical below-grade processes of water and nutrient uptake occurs.



DBH: Diameter at Breast Height; considered roughly 4' above existing grade, the point on any tree where the main stem or stems are measured to standardize tree diameter measurements.

Drip Line: the area directly located under the outer circumference of the tree branches. The area within the Drip Line is often considered roughly to comprise the Critical Root Zone, though the CRZ can often extend beyond the Drip Line.

Inner Critical Root Zone (ICRZ): also known as the interior critical root zone, the inner half of the critical root zone.

Root Crown: The horizon, often but not always flaring, between a tree's above ground parts and below ground parts.

Tree Topping: Topping is the indiscriminate cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role. Topping is often used to reduce the size of a tree, but it is perhaps the most harmful tree pruning practice known. Topping can lead to unacceptable risk, tree stress, and decay. (ISA)

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MEASURES FOR TREE PROTECTION:

While some municipalities rely on arborists to create site specific tree protection plans for construction projects, the City of Berkeley has numerous minimum requirements for tree protection plans that refer specifically to the protection of the Coast Live Oak. (Ordinance NO. 6,905-N.S.)

These minimum requirements direct implementation of all aspects of the plan; and notably also include specific issues that require the consultation with the City Arborist. Time sensitive activities that may involve consultation with the City Arborist should be planned with this scheduling necessity in mind.

To minimize activity within the CRZ:

Establish a Tree Protection Zone (TPZ)

Section II(c) of the City of Berkeley Minimum Requirements states: *“Install 6 foot chain-link fencing to protect the area within the Drip Line of any protected tree in the development area. Fencing shall be mounted to posts that are driven into the ground. Where this is not possible because of existing structures, tree roots, or other obstacles, chain-link panels mounted to stanchions and connected to each other may be approved. In areas where difficult terrain makes this impractical, orange construction fencing may be approved.”*

The balance of construction activities overall will take place outside of the CRZ, however excavation for the rear patio, and some foundation installation may take place within.

Subject to the approval of the City Arborist, the TPZ should be established for the duration of the project in the area not projected to be excavated or trenched. Small trees and shrubbery within this area ought to be retained until the project is completed, or until landscaping is being installed, to provide further protection, and minimize disruption to the root zone.



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Whenever possible, workers and materials should refrain from transiting from front to back of the lot by way of the North-side public pathway. (Whether the contractors will fence the project site off from this pathway is outside the purview of this report.)

Section II(g) states: *“No storage of building materials, refuse, excavated spoils, or dumping of poisonous materials, is permitted within the drip line of any protected tree. Poisonous materials include, but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water, or any other material which may be deleterious to tree health.”*

To minimize the impacts of soil compaction within the Drip Line:

Section II(e) states: *“When any approved construction activity will occur within the Drip Line of a protected tree that is not surrounded by protective fencing...the area shall be covered with a 6 inch layer of mulch topped with 3/4 inch plywood that is fastened together. If any large or motorized equipment (mini excavator, Bobcat®, powered wheelbarrow) will travel over this area, the plywood must be a minimum of 1 inch and adequate for the weight of the equipment that will travel over it. If larger equipment (backhoe, tractor) will be used, consult the City Arborist. **Construction activity refers to any movement of people, tools, or equipment; or storage of any tools, equipment, or supplies.** “*

Not applicable; very little if any work appears to be planned within the drip line.

To minimize the risk of injury to the tree’s trunk:

Section II(e) states: *“When any approved construction activity will occur within the Drip Line of a protected tree that is not surrounded by protective fencing, the trunk shall be protected by wrapping it with straw tubes (wattle) or vertical wood slats (ex. 2x4), up to a minimum of 8 feet from grade (see Figure 1, page 6). Slats shall be angled to protect the root flare at the base of the tree; and closed cell foam or equivalent material shall be used to protect the trunk of the tree where it contacts the slats.*

Not applicable; very little if any work appears to be planned within the drip line.

To minimize root damage and the effects of root pruning:

The possibility that significant roots will be encountered while working within the CRZ, especially when performing foundation work and excavating for the patio, is relatively minimal, but must not be overlooked. For the purposes of this plan, workers should consider any root more than 2” in diameter that is encountered at any time to be “significant” and cause for attention. When roots of this size are encountered, and especially if they are inadvertently damaged or severed, work should stop and the arborist should be consulted. Such roots will

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be inspected with the purpose of determining if the root can be cut, or if alterations to anchorage plans need to be contemplated.

Roots that are greater than 2" inches in diameter should be cut with a saw, not hacked with digging tools. Roots of this size that are inadvertently damaged by excavation should be "re-cut" with a branch or chain saw, attempting as close as is practicable to perform a proper pruning cut to undamaged wood, in order to facilitate the compartmentalization of wood decay.

(Example, before and after: significant roots damaged by excavation, are properly re-cut to sound tissue)



Though there appears not to be any work planned for the area within 3' of the Root Crown, this area ought to be considered entirely protected. Any damage to this area should be reported to the project arborist. No work should be done in this area without consulting the project arborist.

Arborist inspection, consultation, notification and documentation:

The project arborist will plan to visit the site prior to or at the outset of work, to summarize the plan and answer contractor questions; and to inspect (or perform, if applicable) and document the following: establishment and installation of fenced-off TPZ; discovery and mitigation of any and all roots greater than 2" in diameter prior to covering.

Signage will be affixed to the protective fencing surrounding the TPZ, regardless of its configuration, with contact information for the project arborist, and the following verbiage:

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TREE PROTECTION ZONE (TPZ):

All construction related activities including grade alterations, excavation, transit, equipment or materials storage, and disposal of liquid or refuse are not permitted within this TPZ. This barrier must remain in good condition, and must not be removed or re-configured without consultation with the project arborist.

The arborist will also plan for a follow up visits, to be arranged with the property owners, after construction is finalized to assess any impacts to the health of the tree. The contractor assumes responsibility for documentation and resolution for any conditions that arise outside the knowledge and presence of the arborist.

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TRAQ Qualified

APPENDIX A: SITE PLAN & PROJECT INFO, 705 Euclid Ave.

<p>Project Location Project # Development 5060 Telegraph Ave, Ste A Oakland, CA 94609 OWNER: JIMMIE L. HARRIS DEVELOPER: JIMMIE L. HARRIS ARCHITECT: JIMMIE L. HARRIS DATE: 1/23/23</p>	<p>NEW RESIDENCE</p>	<p>PROJECT ADDRESS: 705 EUCLID AVE OAKLAND, CA 94611 PROJECT NO. 2023-001</p>	<p>OWNER/DEVELOPER: JIMMIE L. HARRIS 1220 12TH AVE OAKLAND, CA 94612 (415) 762-7200</p>	<p>SITEPLAN & PROJECT INFO</p>	<p>Scale: 1" = 10' (Overall)</p> <p>North Arrow</p>
<p>GENERAL NOTES</p> <ol style="list-style-type: none"> 1. GENERAL NOTES: SEE ALL CITY ORDINANCES AND REGULATIONS. 2. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES. 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF OAKLAND STANDARDS AND SPECIFICATIONS. 4. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS. 5. ALL MATERIALS SHALL BE APPROVED BY THE CITY ENGINEER. 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES. 7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. 8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPE. 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF OAKLAND STANDARDS AND SPECIFICATIONS. 10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES. 					
<p>VICINITY MAP</p>	<p>SYMBOL LEGEND</p> <ul style="list-style-type: none"> EXISTING TREE NEW TREE EXISTING PATH NEW PATH EXISTING DRIVE NEW DRIVE 	<p>PROJECT INFORMATION</p> <p>PROJECT NAME: NEW RESIDENCE</p> <p>PROJECT ADDRESS: 705 EUCLID AVE, OAKLAND, CA 94611</p> <p>PROJECT NO.: 2023-001</p> <p>DATE: 1/23/23</p> <p>OWNER: JIMMIE L. HARRIS</p> <p>DEVELOPER: JIMMIE L. HARRIS</p> <p>ARCHITECT: JIMMIE L. HARRIS</p> <p>DATE: 1/23/23</p>		<p>DESCRIPTION OF WORK</p> <p>REPLACE EXISTING DRIVE WITH NEW DRIVE.</p>	<p>OWNER/DEVELOPER DRAWING NOTE</p> <p>THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.</p>
<p>NEW RESIDENCE 705 Euclid Avenue, Berkeley, CA 94708 APN# 63-2955-40-1</p> <p>EXISTING HOUSE EXISTING HOUSE TO BE DEMOLISHED</p> <p>EXISTING DRIVE EXISTING DRIVE TO BE REPLACED</p> <p>NEW DRIVE NEW DRIVE TO BE INSTALLED</p> <p>NEW RESIDENCE NEW RESIDENCE TO BE CONSTRUCTED</p> <p>PARKING SPACES NEW PARKING SPACES TO BE INSTALLED</p> <p>CONCRETE SIDEWALK NEW CONCRETE SIDEWALK TO BE INSTALLED</p> <p>CONCRETE CURB NEW CONCRETE CURB TO BE INSTALLED</p> <p>CONCRETE WALL NEW CONCRETE WALL TO BE INSTALLED</p> <p>EXISTING ROCK EXISTING ROCK TO BE REMOVED</p> <p>NEW ROCK NEW ROCK TO BE INSTALLED</p> <p>REMOVED ROCK REMOVED ROCK TO BE DISPOSED</p> <p>EXISTING PATH EXISTING PATH TO BE MAINTAINED</p> <p>NEW PATH NEW PATH TO BE INSTALLED</p> <p>EXISTING DRIVE EXISTING DRIVE TO BE MAINTAINED</p> <p>NEW DRIVE NEW DRIVE TO BE INSTALLED</p> <p>EXISTING DRIVE EXISTING DRIVE TO BE MAINTAINED</p> <p>NEW DRIVE NEW DRIVE TO BE INSTALLED</p> <p>EXISTING DRIVE EXISTING DRIVE TO BE MAINTAINED</p> <p>NEW DRIVE NEW DRIVE TO BE INSTALLED</p> <p>EXISTING DRIVE EXISTING DRIVE TO BE MAINTAINED</p> <p>NEW DRIVE NEW DRIVE TO BE INSTALLED</p>					
<p>CODE COMPLIANCE</p> <p>ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF OAKLAND STANDARDS AND SPECIFICATIONS.</p>					



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

705 Euclid Avenue

Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.404.

When: Thursday, April 27, 2023, 7:00 pm

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

Please see the Agenda for details:

https://berkeleyca.gov/sites/default/files/documents/2023-04-27_ZAB%20Agenda.pdf.

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

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

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

A. Land Use Designations:

- General Plan: LDR – Low Density Residential
- Zoning: R-1H – Single Family Residential, Hillside Overlay Zone

B. Zoning Permits Required:

- Use Permit for a new single-family dwelling, under Berkeley Municipal Code (BMC) Section 23.202.020(A)
- Administrative Use Permit to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone, under BMC Section 23.210.020

705 EUCLID AVENUE
Page 2 of 4

NOTICE OF PUBLIC HEARING
Posted APRIL 13, 2023

- Administrative Use Permit to construct two parking spaces in a required front setback, under BMC Section 23.322.080
- Administrative Use Permit to construct an accessory structure (backyard retaining walls) encroaching into a required setback, under BMC Section 23.304.070(B)

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

D. Parties Involved:

- | | |
|-------------------|---|
| E. Applicant | John Newton, 5666 Telegraph Avenue, Oakland, CA |
| F. Property Owner | Tarek and Michel Khoury, 903 Ventura Avenue, Albany, CA |

Further Information:

All application materials are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

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

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7548 or rroe@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.

Written Comments, Communications, and Reports:

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

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

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

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

**Accessibility Information / ADA Disclaimer:**

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

SB 343 Disclaimer:

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

HARPER & ARMSTRONG, LLP

1634 Telegraph Avenue, #3 • Oakland, CA 94612
Ph: (510) 420-8455 • Fax: (510) 858-5953 • kathryn.rauber@harperarmstrong.com

April 15, 2023

BY E MAIL & US MAIL

City of Berkeley
Planning and Development
1947 Center St., 2nd Fl.
Berkeley, CA 94704
510-981-7410
planning@cityofberkeley.info

Re: Withdrawal of Support for and Objection to Application for Zoning Permit No. ZP2022-0104, 705 Euclid Avenue

To Whom It May Concern:

I write on behalf of Yoshiko Wada, owner of 696 Hilldale Avenue, Berkeley, CA 94708 to formally withdraw her approval for and issue an objection against a proposed new structure at 705 Euclid Avenue, Berkeley, CA 94708. The owners of 705 Euclid Avenue (APN 063-295504001) have submitted an application for a zoning permit to the City of Berkeley, which currently is under review as Record No. ZP2022-0104.

Ms. Wada lives at 696 Hilldale Avenue, which is bordered to the south by an empty lot with the address 705 Euclid Avenue. In early 2022, the owners of 705 Euclid contacted Ms. Wada seeking to obtain her approval to construct a four-story building on the empty lot. The contemplated structure would require the owners to obtain a zoning permit to exceed the allowable building height. Ms. Wada asked for the story poles to determine whether the proposed new building would block her view of the bay. The owners told her that the story poles were not ready, but they offered to meet to explain to her how tall the building would be in relation to her home.

In April 2022, Ms. Wada met with the owners of 705 Euclid. Based on their representations, Ms. Wada determined that her view would not be obscured and granted her approval to allow the project to proceed.

Thereafter, Ms. Wada was out of the country for several months. The owners of 705 Euclid Avenue filed the above-mentioned application seeking permission to construct a new dwelling exceeding 28 feet in average height and 35 feet in maximum height. They also erected the story poles for the proposed new building in late 2022 while she was away.

When Ms. Wada returned from abroad in April 2023, she observed the story poles in place and discovered that contrary to the owners' explanation, the new building will significantly block her view of the bay. Based on this discovery, Ms. Wada hereby withdraws her approval for the project currently under review as Record No. ZP2022-0104 and formally objects to the issuance of a zoning permit to allow the building to be constructed as currently planned.

Regards,

A handwritten signature in black ink, appearing to read 'Kathryn Rauber', with a long horizontal flourish extending to the right.

Kathryn Rauber

Jacob, Melinda

Subject: FW: Oppositionh to granting exceptions for 705 Euclid project

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

From: Theodore D. Raphael <tdraphael@gmail.com>

Sent: Thursday, April 27, 2023 9:28 AM

To: Roe, Russell <RRoe@cityofberkeley.info>

Subject: Oppositionh to granting exceptions for 705 Euclid project

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.

April 26, 2023

Russell Roe
Associate Planner/ Code Enforcement
City of Berkeley
Berkeley, California

Dear Mr. Roe:

We wish to express our strongest opposition to the granting of exceptions to the rules requested by the developer of 705 Euclid.

The basis of our opposition is two-fold: it is an unmerited exception and its realization will have direct deleterious effects on the enjoyment of our property at 694 Hilldale, separated from 705 Euclid by only one lot, 696 Hilldale. (Note: 694 and 696 Hilldale actually front on the east side of Euclid, adjacent to 705 Euclid, although they are accessed from Hilldale and have Hilldale addresses.)

As you know better than us, exceptions to the rules are appropriate for unusual circumstances pertaining to the idiosyncrasies of a particular lot, such as a minor variance from the setback regulations, to allow a lot to be feasibly accommodate a residence. Such exceptions to the rules are of great benefit to the developer, with little or no impact on the lot's neighbors.

Such is not the case with 705 Euclid. The lot is a standard, sloped Berkeley Hills lot, similar to its neighbors on the east side of Euclid. In this case, the developer simply wishes to build an outsized house not permitted by the rules. There is nothing preventing the developer from building a house that conforms with current rules. There is no compelling reason to grant an exception to the rules in this case. The planned house is out of character for the neighborhood, due to its height and volume, in violation of the very reason the rules were established to safeguard the character of the neighborhood. The request for an exception to the rules should be denied on this basis alone.

However, building of the planned house will have a severe effect on the light, privacy, and views at 696 Hilldale, and, to a lesser extent, at our home at 694.

We spent five whole years searching for a retirement home in Berkeley, from 2009 to 2014 (this can be confirmed by our agents Nancy Mueller and Terri White of Berkeley Hills Realty). We wanted view privacy from adjacent homes, which is not achieved easily. We were not concerned about what might be built on the unimproved lot at 705 Euclid, as we knew that the rules would not permit the building of a house that would compromise our privacy and views.

An exception granted to the 705 Euclid project would greatly compromise our privacy, as the uppermost deck at 705 would allow views directly onto the entire length of the west-facing deck of our house, completely destroying our privacy. The purchase of our property was premised entirely on the reasonable expectation that the rules would continue to be enforced in the neighborhood. We are in our late 70s and expected the purchase of our last home to afford us the privacy we sought to enjoy during the remaining years of our lives.

The loss of privacy will undoubtedly reduce the value of our property, as well. Today we have valuable, complete privacy from our neighbors, due to the siting of the properties. If an exception to the rules is granted, we will lose our coveted privacy and substantially lower the value of our property.

There is no reason that a house at 705 cannot conform to the rules to which the builders of surrounding lots observed. We will suffer if the exception is granted. We will not suffer, nor will the developer of 705 Euclid, if the exception is denied.

For the benefit of sound public policy and the unnecessary loss of privacy we will suffer, we urge you to deny the requested exception to the rules for the 705 Euclid project.

Sincerely,

Theodore D. Raphael
Mary E, Raphael
694 Hilldale Ave.
510-684-1912

>> CHAIR D

I REALIZED I HAVE A SPEAKERS GREEN CARD FOR ITEM #6 THAT IS ANONYMOUS, 705 EUCLID, SO BACK TO THE IN-PERSON MEETING.

IF YOU COULD COME TO THE PODIUM AND SHARE THE NATURE OF YOUR COMMENT.

AND THEN WE WILL EVALUATE WHETHER IT SHOULD STAY ON CONSENT OR COME OFF CONSENT AND HAVE A FULL PUBLIC HEARING, WHICH YOU WOULD ALSO BE ABLE TO SPEAK AT THE FULL PUBLIC HEARING.

WELCOME.

>> THANK YOU.

MY CONCERN STARTS WITH BIRDS ALSO.

THIS IS A BASICALLY A FOUR STORY GLASS FACE BUILDING.

THERE'S BEEN A ONE-THIRD OF THE NORTH AMERICAN SONG BIRDS HAVE BEEN, THE POPULATION HAS DECLINED BY A THIRD IN 50 YEARS.

PRIMARILY DUE TO THREE CONDITIONS.

STRIKES ON GLASS BUILDINGS.

THERE WAS RECENTLY A \$50 MILLION RETROFIT OF A LARGE BUILDING IN MAYBE MANHATTAN, I DON'T RECALL, BECAUSE OF BIRD STRIKES ON GLASS BUILDINGS.

DOMESTIC CATS ARE ANOTHER DETRIMENT AND HABITAT LOSS.

WE ARE LOSING THE HABITAT, WHICH IS VACANT AT THE TIME, IT NEEDS TO BE BUILT.

BUT IT DOESN'T NEED TO BECOME A SOURCE OF DESTRUCTION FOR BIRDS.

I PERSONALLY HAVE SPENT MORE THAN A DECADE CREATING A HABITAT FOR BIRDS IN MY GARDEN THAT IS CAT-FREE BECAUSE OF MY DOG AND I HAVE DONE A LOT TO EXCLUDE CATS.

AND THE FACT THAT BIRDS ARE USING THAT HABITAT RIGHT NOW, WITH THE VEGETATION THAT IS THERE, THE CHANCE THEY WILL FLY IN WHEN THEY MIGRATE IN THE FALL AND STRIKE THOSE BUILDINGS, I DO HOPE IT'S A REQUIREMENT THAT GLASS BUILDINGS BE BIRD-SAFE.

>> CHAIR DUFFY: THANK YOU FOR YOUR COMMENT.

>> I HAVE MORE.

THERE'S INTENSIFICATION OF GLARE AND HEAT.

I'M VERY CONCERNED ABOUT THAT.

IT'S COMPLETELY OPPRESSIVE THE WAY THE CLIMATE HAS BEEN CHANGING.

I PERSONALLY CAN FEEL IT.

I WORK OUT SIDE.

AND I PERSONALLY CAN FEEL HOW EVEN IF IT'S AMBIENT COMFORTABLE, THE SUN IS FIERCE.

THE MUCH MORE FIERCE.

AND I THINK THAT COULD CAUSE PROBLEMS FOR THE PEOPLE DOWN THE HILL, NEIGHBORS DOWN THE HILL.

>> CHAIR DUFFY: I HAVE A QUESTION FOR YOU.

SORRY TO INTERRUPT.

>> NO PROBLEM.

>> CHAIR DUFFY: DO YOU THINK THAT THESE ITEMS ARE SUCH THAT WE SHOULD HAVE A PUBLIC HEARING WHERE YOU CAN MAKE YOUR COMMENTS KNOWN?

KNOW THAT THE APPLICANT AND THE ZONING BOARD HEARS YOU NOW.

BUT ALSO THAT YOU CAN MAKE YOUR COMMENTS KNOWN SUCH THAT THE ZONING BOARD MAY BE ABLE TO DO SOMETHING DIFFERENT ABOUT ITS APPROVAL, AS SLATED TO BE APPROVED.

ARE YOU INTENDING FOR IT NOT TO BE APPROVED OR CHANGED?

>> I WOULD LIKE IT TO BE MODIFIED.

>> CHAIR DUFFY: OKAY, WE WILL PULL IT FROM CONSENT AND YOU CAN SPEAK AGAIN WHEN WE HAVE A PUBLIC HEARING.

SORRY IF THAT'S CONFUSING BUT THAT JUST HELPS.

>> SHOULD I FINISH SAYING --

>> CHAIR DUFFY: NO, BECAUSE YOU HAVE SAID ENOUGH THAT MADE IT WORTHY OF NOT JUST BEING FLAT OUT APPROVED.

SO NOW WE WILL GO TO THE ACTION CALENDAR AND WE WILL HAVE A PUBLIC HEARING AND WE WILL GET TO DISCUSS THOSE ITEMS FROM YOU OR ANY OTHER PERSON IN THE PUBLIC.

>> JUST TO CONFIRM, CHAIRPERSON DUFFY, WE ARE PULLING ITEM #6, 705 EUCLID AVENUE FROM CONSENT?

>> CHAIR DUFFY: CORRECT.

OKAY.

THAT SAME RULE OR THAT SAME DISCUSSION APPLIES TO THE NEXT, WE HAVE NOBODY ELSE IN PERSON HERE.

BUT WE HAVE NINE PEOPLE ON THE WEB THAT WISH TO SPEAK REGARDING THE CONSENT CALENDAR.

I WILL START WITH THEODORE AND HEATHER AND YOSHIKO.

>> CAN YOU HEAR ME?

>> CHAIR DUFFY: YES, THROUGHOUT THE WHOLE ROOM.

>> THANK YOU.

WE WISH TO OPPOSE APPROVAL OF 705 EUCLID, I HAVE A TWO-MINUTE STATEMENT TO READ.

WOULD YOU PREFER I DO THAT IN THE PUBLIC HEARING SESSION OR NOW?

>> CHAIR DUFFY: YOU GOT IT, DO IT AT THE PUBLIC HEARING SESSION.

>> THANK YOU.

>> CHAIR DUFFY: THANK YOU SO MUCH.

GREAT, THAT'S THEODORE.

HEATHER SANDERS?

>> HI THERE, I'M HERE.

>> CHAIR DUFFY: HELLO, YOU ARE THERE, WE HEAR YOU LOUD AND
CLEAR.

>> THANKS.

SAME HERE I HAVE SOME COMMENTS REGARDING HOW THE 705 IS
COMPLYING WITH PLANNING CODE.

HAPPY TO READ IT LATER ON.

>> CHAIR DUFFY: WE WILL HEAR YOU AT THE -- THIS SOUNDS LIKE A
PUBLIC HEARING, IT IS.

BUT AT THE ACTUAL ONE WHEN WE HEAR THE ENTIRE PROJECT.

>> OF COURSE.

>> CHAIR DUFFY: THANK YOU, HEATHER.

YOSHIKO?

YOSHIKO WADA?

AND THEN, SORRY, STEVE --

>> HELLO?

THIS IS YOSHIKO I'M A RESIDENT OF 696 WEST HILL DALE NEXT TO 705
EUCLID AND I REGRET HAVING TO WITHDRAW MY CONSENT AND I WOULD
LIKE TO OBJECT.

>> CHAIR DUFFY: YOU GOT IT.

>> OKAY, THANKS.

>> CHAIR DUFFY: YOU GOT IT, IT'S PULLED.

THIS PROVES IT IS DEFINITELY IMPORTANT FOR US TO HAVE A PUBLIC
HEARING.

DESIGNATIONS THAT WOULD LIMIT THE ALREADY TIGHT NEIGHBORHOOD
PARKING ISSUES.

I URGE YOU TO PUT THE CURRENT PLANS ON HOLD AND REFER THE
PROJECT BACK TO STAFF SO THE CITY CAN HOLD ADDITIONAL PUBLIC
MEETINGS.

THANK YOU.

>> SO MOVED.

IF THERE ARE NO MORE COMMENTS THEN WE WILL TAKE A VOTE.

OKAY, SEEING NONE.

AND THEN WE ARE GOING TO DO 705 EUCLID AND 3031 TELEGRAPH BUT WE ONLY HAVE UNTIL 11:00 AND WE WILL TRY.

SHEFFIELD, PATRICK KEHOE AND ALEX STECK.

FOR COMMENTING, ANYONE IF YOU ARE HERE.

DAVID SHIVER.

COME ON UP TO THE PODIUM.

SORRY ABOUT THAT.

>> THAT'S OKAY, I WILL TALK UNTIL 11:00.

HI, MY NAME IS DAVID SHIVER, I LIVE ON THE 2400 BLOCK OF STUART STREET.

I SUPPORT THE PROJECT, I WOULD LIKE IT TO BE A GOOD NEIGHBOR, THAT REGARDS THE ROOFTOP GARDEN.

THE SOUTH SIDE HAS HAD A LOT OF ISSUES WITH LOUD PARTIES AFTER 10:00 P.M.

THE CITY'S ENVIRONMENTAL STAFF ARE THE ONES CHARGED TO ENFORCE THE ORDINANCE BUT THEY ARE NOT ON DUTY SO IT FALLS TO OUR LOCAL POLICE DEPARTMENT WHICH GETS OVER TAXED.

WE WOULD LIKE TO SEE A CONDITION OF THE PERMIT BE THE ROOF GARDEN BE CLOSED AT 10:00 AS A WAY OF AVOIDING ISSUES AND PROBLEMS IN THE FUTURE SO WE DON'T HAVE TO CALL POLICE AND EVERYBODY IS A GOOD NEIGHBOR.

I THINK THE PROJECT WILL BE A BIG IMPROVEMENT OVER KARIM'S
CYCLERY, BECAUSE THAT'S DEFINITELY A POOR USE.

BUT THE PROBLEM OF NOISE IS REAL.

I ASK THE BOARD TO CONSIDER A CONDITION TO HAVE THE ROOF DECK
CLOSED AT 10:00 P.M. WHEN THE NOISE ORDINANCE TAKES EFFECT.

THANK YOU.

>> CHAIR DUFFY: THANK YOU.

NEXT WE HAVE THEO GORDON.

>> HELLO, I WILL SKIP THE INTRODUCTION PART, THIRD TIME UP HERE.

A FEW POINTS I WANT TO ADDRESS.

THE FIRST IS BMR, ONLY ONE UNIT OF VERY-LOW INCOME.

THAT'S THE ONLY ONE AND BE DISAPPOINTED.

WE NEED TO GO BIGGER WITH A LOT OF THESE BUILDINGS.

I WANT TO TAKE THAT DESIRE TO SEE EVEN MORE BELOW MARKET RATE
UNITS FORWARD AS WE LOOK AT SOUTH SIDE REZONING.

ON THE PARTY PIECE, I LIVE NEXT DOOR TO THE FRAT.

THEY KEEP ME UP AT NIGHT SOMETIMES BUT I KNEW THAT COMING IN WE
WERE IN A UNIVERSITY TOWN AND IT'S A LOT OF THE LIFE BLOOD OF
THE TOWN WE WOULDN'T BE BERKELEY WITHOUT BERKELEY.

SO I THINK WE SHOULD WELCOME THE ADDITIONAL PEOPLE AND PEOPLE WHO WILL BE SHOPPING IN OUR STORES.

IF IT COMES WITH A LITTLE BIT MORE NOISE I DON'T THINK IT WILL BE THAT MUCH MORE THAN WHAT CURRENTLY EXISTS, IT WILL BE FINE.

PARKING I HAVE HEARD THAT COME UP A FEW TIMES.

I DON'T LIKE CARS.

I WISH WE HAD FEWER, I'M NOT COMFORTABLE WITH SECOND CLASS CITIZEN, YOU MOVE HERE CAN'T BUY A HOUSE, YOU ARE A RENTER IN A NEW BUILDING YOU DON'T GET A CAR.

IT FEELS SHITTY, SORRY, BAD.

ROOFTOP GARDEN IS GREAT, MORE GREEN STUFF ON ROOFS.

>> CHAIR DUFFY: THANK YOU.

WE HAVE JUNE JACKSON.

MARY.

PATRICK AND ALEX.

NEXT.

>> GOOD EVENING MY NAME IS PATRICK KEHOE, I LIVE ON STUART STREET, A LONG-TIME RENTER, I WOULD LIKE TO ASK THE ZAB MAKE A PERMANENT CONDITION FOR ENFORCEMENT COVENANT FOR A 10:00 P.M. ROOFTOP CLOSURE, MORE PROTECTION AND ENFORCEABILITY.

STOP NOISE PROBLEMS BEFORE THEY OCCUR.

PARTIES, LATE NIGHT PARTIES HAVE BEEN THE BANE OF THE
NEIGHBORHOOD FOR DECADES.

I'M CALLING THE POLICE TO COMPLAIN ABOUT NOISE BEFORE 11:00
P.M., AFTER THAT THEY DON'T GET TO YOU.

PARKING IS TIGHT IN THE STUART AND TELEGRAPH WITH WILLARD MIDDLE
SCHOOL AND STUDIO.

I WOULD ASK PERMIT CONDITION FOR ENFORCIBLE COVENANT FOR NO CAR
REGISTRATIONS IN TENANT LEASES THAT WOULD DETER THEM FROM
PARKING AFTER 7:00 P.M. AND ON SUNDAYS, THERE ARE A NUMBER OF
NON-PERMIT PARKING PLACES IN FRONT OF WILLARD AND NEXT TO CVS
WE HAVE 705 EUCLID AND 3031 TELEGRAPH.

IS STAFF READY FOR THE PRESENTATION OF 705 EUCLID?

>> OKAY, I'M HERE.

>> CHAIR DUFFY: HELLO, YES, YOU ARE THERE.

>> SORRY.

I GOT A LITTLE SNAFU.

YES, LET ME SHARE MY SCREEN.

AS QUICKLY AS I CAN.

IS MY SCREEN SHARED?

THERE.

CAN YOU ALL HEAR ME?

>> CHAIR DUFFY: LOUD AND CLEAR.

>> YOU CAN SEE MY SCREEN?

>> CHAIR DUFFY: YOU GOT IT.

705 EUCLID.

>> OKAY, 705 EUCLID AVENUE IS UP IN THE HILLS IN THE HILLSIDE
OVERLAY ZONE.

IT'S CURRENTLY AN EMPTY LOT AND THE PROPOSAL IS TO CONSTRUCT A
NEW THREE-STORY, 41 FOOT 11 INCH HIGH HOUSE.

WITH TWO PARKING SPACES AND ASSOCIATED RETAINING WALL, LOCATED
IN THE REAR AND ON A 6,024 VACANT LOT.

THE PROPERTY IS LOCATED AS I SAID IN THE HILLSIDE OVERLAY.

IT IS WEST FACING, STEEP DOWNWARD SLOPE TOWARD EUCLID AVENUE
WHICH OVERLOOKS TOWARD SAN FRANCISCO BAY.

AND JUST TO THE NORTH OF THE PROPERTY IS HAWK AND WALK WHICH IS
A PUBLIC STAIRCASE.

THIS IS AN AERIAL VIEW OF THE PROPOSED SITE PLAN.

THESE ARE THE OFF STREET PARKING SPOTS WILL BE WITHIN THE FRONT
SETBACK OUT OF NECESSITY, BECAUSE OF THE TERRAIN.

AN EXTERNAL STAIRCASE LEADS UP TO THE FRONT OF THE HOUSE.

THE RETAINING WALL THAT WAS MENTIONED IS IN THE REAR HERE.

HERE IS A FRONT VIEW OF THE HOUSE.

THIS IS LOOKING FROM THE OTHER SIDE OF THE STAIRCASE, HAWK AND WALK.

STORY POLES WERE PUT UP ON THE SITE IN EARLY DECEMBER.

SORRY ABOUT THESE PICTURES, THESE WERE THE BEST PICTURES I COULD GET, IT WAS A DIFFICULT THING TO PHOTOGRAPH.

THIS IS FROM STANDING ON EUCLID AVENUE LOOKING UP HILL ACROSS THE PROJECT SITE FROM A COUPLE OF DIFFERENT ANGLES.

AND THE FINDINGS THAT NEED TO BE MADE TONIGHT, THE GENERAL NON-DETRIMENT FINDING THAT THE PROJECT WOULD NOT BE DETRIMENTAL TO HEALTH SAFETY ET CETERA OF PERSONS LIVING OR WORKING IN THE NEIGHBORHOOD.

AND THEN THE FINDINGS OF THE HILLSIDE OVERLAY ZONE, IN THIS CASE STAFF RECOMMENDS THAT THE PROJECT WOULD MEET ALL APPLICABLE DEVELOPMENT STANDARDS WITH THE EXCEPTION OF THE HEIGHT LIMIT.

BUT THE MAXIMUM HEIGHT LIMIT IS APPROVABLE WITH AN ADMINISTRATIVE USE PERMIT AND STAFF'S ANALYSIS INDICATED THIS WAS JUSTIFIABLE.

THE PROPOSED PARKING AREA AND RETAINING WALLS AND EXTERIOR STAIRS ARE APPROVABLE WITH A.U.P.'S OUT OF NECESSITY, BECAUSE OF THE STEEP SLOPE OF THE LOT.

AND ALSO THE PROPOSED PROJECT WOULD MEET THE PURPOSES OF THE SINGLE FAMILY RESIDENTIAL DISTRICT AND HILLSIDE OVERLAY ZONE AND THAT WILL BE THE END OF MY PRESENTATION.

>> CHAIR DUFFY: THANK YOU, ANY QUESTIONS OF STAFF FROM THE BOARD?

SEEING NONE.

I HAVE ONE GREEN CARD FOR PUBLIC COMMENT THAT WAS ANONYMOUS FOR 705 EUCLID.

ARE YOU HERE?

YOU'RE NOT HERE.

OKAY.

>> HI, CAN YOU HEAR ME?

HELLO?

>> I CAN AND WHO ARE YOU?

>> YEAH, HI, THIS IS JOHN AND I'M THE APPLICANT OF THE PROJECT.

>> CHAIR DUFFY: UH-HUH.

>> LET ME KNOW WHEN YOU WOULD LIKE ME TO SPEAK.

>> CHAIR DUFFY: YES, THANK YOU.

I'M USUALLY PRETTY GOOD AT THIS.

YOU CAN SPEAK RIGHT NOW.

>> I HAD TO GO HOME.

I HELPED DESIGN THIS HOUSE FOR A VERY NICE FAMILY.

IT'S FOR A MULTI-GENERATIONAL FAMILY.

PARENTS AND THEN THERE'S THREE ADULT CHILDREN AND THEIR GOAL IS TO LIVE IN THIS HOUSE TOGETHER TO SOME DEGREE.

I JUST WANT TO POINT OUT, WE DID WORK HARD TO SAVE THE OAK TREE THAT IS UP AT THE UPPER SLOPE.

THE FATHER OF THE FAMILY HAPPENS TO BE AN EXPERIENCED SOILS ENGINEER.

AND THE SON HAPPENS TO BE A CIVIL ENGINEER.

SO WE ARE WELL AWARE OF THE CONSTRUCTION REQUIREMENTS AND THE SOIL IS GOOD SOIL AND THE HOUSE WILL BE, PROPERLY BUILT.

LET'S SEE WHAT ELSE?

SO THE MAIN ISSUE THAT'S GOING TO COME UP IS THE NEIGHBOR TO THE LEFT AT 696 HILLDALE IS COMPLAINING ABOUT HER VIEW BEING BLOCKED.

I DID A LOT OF IN-FILL DEVELOPMENT IN THE HILLS AND THE FLATS AND TRADITIONALLY, YOU KNOW, IT'S KIND OF UNDERSTOOD THAT THERE'S GOING TO BE A HOUSE TO YOUR SIDE BUT WHEN YOU HAVE A GOLDEN GATE VIEW THAT IS PROTECTED, WE UNDERSTAND THAT.

WHEN I WAS IN THE AUDITORIUM, I MEASURED THE WIDTH OF YOUR AUDITORIUM, IT'S 50 FEET WIDE.

HER HOUSE, THE NEIGHBOR'S HOUSE IS 50-FOOT WIDE, SHE HAS A 50-FOOT DIRECT VIEW OF THE GOLDEN GATE BRIDGE, MOUNT TAM, SAN FRANCISCO.

YET THEY ARE COMPLAINING ABOUT A SLIVER VIEW LOOKING TOWARDS THE SOUTH BAY THAT WE ARE SORT OF IMPACTING.

BUT YOU KNOW, IT JUST SEEMS LIKE NOT LEGITIMATE TO ME.

BUT I'M OPEN TO HEARING, OR IF YOU HAVE QUESTIONS ABOUT IT.

I DID GIVE, THERE'S A DIAGRAM, THERE'S A JPG CALLED VIEW TO THE BAY JUST TO HIGHLIGHT THAT.

IF YOU CAN PULL THAT UP.

SO I JUST HIGHLIGHTED IN YELLOW HER VIEW THAT LOOKS TOWARD MOUNT TAM, SAN FRANCISCO, THE BAY, THE GOLDEN GATE BRIDGE.

AND IN BLUE IS THE LITTLE SLIVER THAT YOU WILL SEE IS WHERE OUR HOUSE WILL BE.

AND THEN IF YOU OPEN THE VIEW FROM 696 HILLDALE, MY CLIENT MET WITH THE NEIGHBOR.

AND SHE SHOWED HIM HOW WE ARE IMPACTING HER VIEW WITH THE STORY POLES.

I DON'T TAKE ANY PLEASURE UPSETTING NEIGHBORS.

HOWEVER I FEEL THIS IS OUT OF, NOT -- THE COMPLAINT OF THE VIEW BLOCKAGE DOESN'T SEEM COMMENSURATE WITH REALITY.

WE OFFERED TO REMOVE THE ELEVATOR TOWER GOING UP TO THE ROOF DECK.

SO THE HIGHEST POINT THERE, THE LINE IN THE MIDDLE OF THE WINDOW THERE, WE DID OFFER TO REMOVE THAT.

BUT THAT WAS NOT ENOUGH, NOT ACCEPTED BY HER.

THAT IS, IT IS WHAT IT IS.

ANYWAYS, THAT'S ALL.

I DON'T NEED TO SAY MORE.

>> CHAIR DUFFY: OKAY.

THANK YOU, JOHN NEWTON.

DO WE HAVE ANY QUESTIONS FROM THE BOARD?

NO?

THEN WE CAN MOVE TO PUBLIC COMMENT.

PUBLIC COMMENT.

WE DO NOT HAVE ANY GREEN CARDS BUT WE CAN MOVE TO THREE HANDS
RAISED ONLINE.

KELLY HAMMARGREN?

>> YES.

THIS BUILDING HAS A LOT OF GLASS.

AND LAST WEEK OR NOT LAST WEEK, BUT THE LAST ZAB MEETING WE
TALKED ABOUT BIRDS FLYING UP TO THE HILLS.

AND THIS IS GOING TO HAVE ALL THAT GLASS FACING THE DIRECTION OF
BIRDS FLYING TOWARDS THE HILLS.

AND I WOULD ASK BIRD-SAFE GLASS OR PERMANENT SCREENS BE REQUIRED
ON THIS BUILDING.

WE HAVE ALREADY HEARD FROM A NEIGHBOR ABOUT, THAT THERE ARE A
LOT OF SONG BIRDS IN THIS AREA.

AND THIS IS REALLY DEADLY.

IT'S JUST, WHEN YOU HAVE THE CAPACITY TO PROTECT BIRDS, I WOULD
ASK THAT THIS BE A REQUIREMENT NOT IF FEASIBLE BUT A REQUIREMENT
TO GET A COMMITMENT FROM THIS GROUP TONIGHT THEY WILL USE BIRD-
SAFE FEATURES ON THIS BUILDING.

>> CHAIR DUFFY: THANK YOU VERY MUCH.

NEXT WE HAVE YOSHIKO WADA.

AND THEN SHONA ARMSTRONG.

>> I WOULD UNMUTE, THANK YOU.

I'M JUST CURIOUS WHERE MR. NEWTON LIVES?

>> CHAIR DUFFY: HE DOES NOT HAVE TO ANSWER THAT QUESTION.

>> YEAH, WELL, I LIVE RIGHT NEXT TO, I'M THE OWNER, I PURCHASED

-- WELL I HAVE BEEN RESIDENT OF BERKELEY SINCE 1973.

AND WHEN I BOUGHT THE HOUSE, WHICH WAS VERY REASONABLE AT THAT
TIME, I RAISED MY FAMILY AND -- ARE WONDERFUL PEOPLE.

THEY APPROACHED ME IN EARLY 2022 WITH DRAWING ON THEIR FAMILY
HOUSE, I SIGNED OFF THEY ASSURED ME IT WOULD BE A HUMBLE
BUILDING AND WOULD NOT IMPACT MY VIEW AND PRIVACY.

HOWEVER, AFTER SEEING THE STORY POLES WHICH I REQUESTED BUT IT
DIDN'T GO UP UNTIL LAST YEAR, LATE LAST YEAR.

>> CHAIR DUFFY: THANK YOU FOR YOUR COMMENT.

IF YOU COULD WRAP IT UP WITH A COUPLE SENTENCES.

>> YES, SO THE POLES SHOW THE PROPOSED PROJECT WILL BE DETRIMENT
TO MY PROPERTY AND THE QUALITY OF LIFE OF PEOPLE LIVING AT 696
BECAUSE THE VIEW THAT YOU SAW WAS WHERE WE HAVE BREAKFAST AND
LUNCH AND DINNER.

AND MOST OF THE VIEW IS GOING TO BE BLOCKED.

>> CHAIR DUFFY: THANK YOU FOR YOUR COMMENTS.

>> ALSO I HAD --

>> CHAIR DUFFY: I'M SORRY, BUT YOUR TIME IS UP.

THANK YOU.

NEXT WE HAVE SHONA ARMSTRONG.

IF YOU COULD KEEP IT TO ONE MINUTE.

I KNOW IT'S REALLY HARD AND I WILL LET YOU GO OVER A LITTLE BIT
BUT IF YOU CAN KEEP IT TO ONE MINUTE THAT WOULD BE GREAT.

>> HI, I'M HERE TO SPEAK ON BEHALF OF YOSHIKO WADA AND ONE OF
THE PURPOSES OF THE RESIDENTIAL AREA ACCORDING TO MUNICIPAL CODE
IS THE ZONING DECISIONS SHOULD PROTECT ADJACENT PROPERTIES FROM
UNREASONABLE OBSTRUCTION OF LIGHT AND AIR.

I THINK THE TESTIMONY SHOWS IT'S NOT CLEAR THIS PROJECT
SATISFIES THAT REQUIREMENT.

TO APPROVE AN ADMINISTRATIVE USE PERMIT, THE ZONING OFFICER MUST
FIND IT WOULDN'T BE DETRIMENTAL TO NEIGHBORING PROPERTIES OR THE
CITY'S WELFARE, THAT'S IN BERKELEY CODE.

THIS PROJECT IS DETRIMENTAL TO NEIGHBORING PROPERTIES.

IF YOU LET ME SHARE MY SCREEN, I CAN SHOW YOU WITH STORY POLES
AND HOW THE IMPACTED.

WOULD THAT BE POSSIBLE?

>> CHAIR DUFFY: WE DID SEE THAT ALREADY.

WE SAW IT FROM --

>> I THINK YOU SAW FROM THE VIEW THAT WAS JOHN NEWTON'S VIEW HE
WANTED YOU TO SEE.

I WANT YOU TO SEE THE VIEW, WE HAVE A PHOTO THAT SHOWS WHAT WILL
BE CUT OFF.

>> CHAIR DUFFY: SURE.

IF YOU CAN SHOW IT QUICKLY, THAT WOULD BE GREAT.

>> HOW DO I DO THAT?

>> CHAIR DUFFY: THEN YOUR COMMENT IS OVER.

>> IS IT GOING TO GIVE ME A SHARE SCREEN.

>> CHAIR DUFFY: LET ME SEE IF YOU CAN SHARE YOUR SCREEN.

TRY IT.

>> I STILL SEE JUST SHOW CAPTIONS.

SORRY.

>> CHAIR DUFFY: I UNDERSTAND, THIS IS ALWAYS TRICKY.

ADVANCE SHARING.

HOST AND PANELISTS.

WE CAN ELEVATE YOU TO PANELIST AND THEN YOU CAN SHARE YOUR
SCREEN.

>> OKAY, I GUESS WHAT WE WOULD ASK FOR IS TO GIVE US MORE TIME
TO FIGURE OUT A MUTUALLY ACCEPTABLE --

>> CHAIR DUFFY: OKAY, CAN YOU DO IT NOW?

THANK YOU FOR SHARING THE IMAGE, I APPRECIATE IT.

EVERYONE HAS SEEN IT.

AND WE HEARD YOUR COMMENTS.

OKAY.

WE HAVE HEATHER SANDERS AND THEODORE RAFAEL AS THE LAST TWO
PUBLIC COMMENTERS.

HEATHER SANDERS?

>> HI THERE.

>> CHAIR DUFFY: HELLO, WELCOME, GOOD EVENING.

>> GOOD EVENING, LONG NIGHT, THANKS FOR STICKING AROUND FOR US.

>> CHAIR DUFFY: WE ARE ALL IN THIS TOGETHER.

>> I WILL TRY TO FLY THROUGH THIS.

I'M AN ARCHITECT THAT IS HELPING MS. WADA.

HERE WE GO.

SHE DOES UNDERSTAND, SHE CAN'T EXPECT ZERO IMPACT ON HER VIEWS BUT THAT VIEW DOWN SOUTH IS BLOCKING A SIGNIFICANT PORTION OF THE BAY BRIDGE AND BERKELEY SKYLINE FOR HER.

SO BIG HIT.

SHE EATS EVERY MEAL -- PROPERTY VALUES QUITE FRANKLY.

THE PROJECT PROPOSED PROJECT IS A LOT CLOSER TO THE STREET.

IT'S FORWARD OF THE OTHER TWO HOUSES ON OTHER SIDE OF IT.

SO MAYBE PULLING IT BACK WOULD HELP A LITTLE BIT.

THE FRONT FACADE, WHILE IT'S LISTED AS 40-SOME ODD FEET, IF YOU LOOK AT THE ELEVATION DRAWINGS THE ACTUALLY QUITE A BIT TALLER.

THEY DON'T EVEN LIST THE TALLEST ROOF HEIGHT ON THE DRAWINGS I SAW.

WHEN I DO THE MATH AND ADD TEN FEET TO THE ROOF DECK HEIGHT IT'S ABOUT 60 FEET IN A RESIDENTIAL ZONE.

I KNOW THERE'S AVERAGE GRADE AND ALL THAT.

AND THIS IS A STEEP HILLSIDE, BUT IT'S AN IMPOSING FRONT FACADE.

>> CHAIR DUFFY: THANK YOU, HEATHER FOR YOUR COMMENT.

>> DARN IT, I HAVE MORE, BUT OKAY, THANK YOU.

>> CHAIR DUFFY: THANK YOU.

JOHN NEWTON.

IF YOU WOULD LIKE TO RESPOND TO PUBLIC COMMENT, YOU ARE WELCOME TO.

YOU'VE GOT ONE MINUTE.

BUT I CAN'T HEAR YOU.

HOLD ON.

I CAN SEE YOU.

BUT WE CANNOT HEAR YOU.

>> CAN YOU HEAR ME NOW?

>> CHAIR DUFFY: YEAH.

>> I DON'T THINK I NEED TO SAY MORE.

I FEEL LIKE SHE HAS 50 FOOT OF DIRECT BAYVIEW.

AND BECAUSE OF THE PUBLIC PATH THAT SEPARATES THE BUILDINGS, SHE ALSO HAS, SHE IS ALMOST 27 FEET AWAY FROM OUR HOUSE TOO, WHICH IS ALMOST UNHEARD OF IN ANY HILLSIDE OR IN-FILL DEVELOPMENT.

SO I DON'T FEEL LIKE SHE IS LOSING MUCH.

I DON'T THINK WE ARE INORDINATELY IMPACTING HER VIEW OR PRIVACY.

>> CHAIR DUFFY: OKAY, THANK YOU VERY MUCH.

WE HAVE A QUESTION FROM BOARD MEMBER TREGUB.

>> I. TREGUB: THANK YOU.

COULD YOU RESPOND TO KELLY'S REQUEST ABOUT INCLUDING SCREENING
OR BIRD-SAFE GLASS?

>> YES.

WE ARE AMENABLE TO THAT.

>> I. TREGUB: GREAT.

THANK YOU.

I ALSO HAVE A QUESTION FOR STAFF THAT I FORGOT TO ASK.

THERE IS A FINDING ON PAGE 2.

STATING THE APPLICANT HAS PROPOSED OBSCURED GLASS FOR WINDOWS.

I DIDN'T SEE A CONDITION FOR THAT.

I AM WONDERING IF WOULD A CONDITION NOT BE NEEDED PERHAPS THIS
IS REPRESENTED IN THE PLANS IN SOME WAY?

>> A FINDING ON PAGE 2.

>> I. TREGUB: B PRIVACY INTRUSIONS WOULD BE MINIMAL.

>> AH.

>> CHAIR DUFFY: I SEE IT ON THE LEFT, LEFT NORTH ELEVATION.

>> OBSCURED GLASS, WE AREN'T TALKING ABOUT BIRD-SAFE GLASS NOW,
OBSCURED GLASS THIS WOULD BE FOR PRIVACY.

SO OBSCURED GLASS IS SHOWN ON CERTAIN WINDOWS ON THE DRAWINGS
AND THE CONDITIONS DO SAY THAT THE DRAWINGS ARE ESSENTIALLY PART
OF THE CONDITION.

SO I THINK THAT IS COVERED.

>> I. TREGUB: YEP, THAT ANSWERS MY QUESTION.

>> OKAY.

>> CHAIR DUFFY: OKAY, ANY DISCUSSION?

BOARD MEMBER THOMPSON?

>> M. THOMPSON: JUST ONE MORE QUESTION FOR THE APPLICANT.

WE HEARD SOME COMMENTS ABOUT THE HEIGHT OF THE BUILDING AND HOW
THE NUMBERS DIFFERED.

I WONDERED IF YOU COULD SPEAK TO THAT, PLEASE.

>> IT'S KIND OF HARD, I'M NOT IN FRONT OF A COMPUTER, AND IT'S
HARD FOR ME TO DEEP DIVE IN THE NUMBERS.

I'M CONFIDENT WE ARE CORRECT AND WE WORKED WITH RUSSELL CLOSELY
ON THIS.

THE HARD FOR ME TO YOU KNOW, DIG INTO THE NUMBERS.

BUT MY DRAWINGS SHOW IT, TO MY EYE CLEARLY THAT WE ARE CORRECT.

>> M. THOMPSON: THANK YOU.

>> CHAIR DUFFY: OKAY, BOARD MEMBER TREGUB?

>> I. TREGUB: I WOULD LIKE TO MOVE THIS ITEM WITH THE ADDITIONAL
CONDITION, AS AGREED BY THE APPLICANT TO PROVIDE SCREENING FOR
BIRD-SAFE GLASS.

>> VICE CHAIR K. GAFFNEY: I'LL SECOND.

>> CHAIR DUFFY: OKAY, WE'VE GOT A MOTION AND SECOND, NOW WE HAVE
DISCUSSION.

ANYONE LIKE TO DISCUSSION?

BOARD MEMBER SANDERSON?

>> D. SANDERSON: YES, I WOULD LIKE TO REARRANGE A LITTLE BIT THE
CONDITIONS OF APPROVAL THAT DEAL WITH THE TRANSPORTATION
CONSTRUCTION PLAN.

WHICH IS COA #31, WHICH IS UNDER THE DURING CONSTRUCTION PHASE.

AND HAVE A CONDITION IN, THIS SHOULD BE BEFORE THE BUILDING
PERMIT IS APPROVED.

SO THAT THE TRANSPORTATION PLAN HAS BEEN SUBMITTED AND APPROVED.

AND THEN EVERYBODY KNOWS WHEN THE BIG TRUCKS ROLL IN, HOW TO
REACT.

SO I THINK IT SHOULD BE BEFORE ISSUANCE OF BUILDING PERMIT.

>> CHAIR DUFFY: OKAY, IS THAT A FRIENDLY AMENDMENT WHAT YOU ARE REQUESTING OF BOARD MEMBER TREGUB.

HE SAYS THUMB'S UP.

>> D. SANDERSON: THE OTHER CONCERN I HAVE IS THE REQUIREMENTS FOR THE GEOTECHNICAL CONDITIONS, WHICH ARE ALL UNDER DURING CONSTRUCTION.

AND I THINK WE SHOULD HAVE, PARTICULARLY THE REQUIREMENTS IN THE REVIEWERS DOCUMENT ON THE GEOTECHNICAL REPORT HAS TWO CONDITIONS OF APPROVAL.

ONE OF WHICH, I THINK SHOULD GO, THE FIRST ONE WOULD BE A GOOD ONE TO PUT IN PRIOR TO ISSUING THE BUILDING PERMIT.

I UNDERSTAND THIS ISN'T WHAT PUBLIC WORKS DOES.

OR BUILDING AND SAFETY DOES, I DON'T KNOW WHICH ONE.

BUT I WOULD LIKE CLARITY THAT THE GEOTECHNICAL PLAN WILL BE REVIEWED AND APPROVED PRIOR TO ISSUANCE OF THE BUILDING PERMIT.

>> CHAIR DUFFY: SO YOU MEAN NOT DURING CONSTRUCTION.

CURRENTLY YOU ARE REFERRING TO ITEM #26, CONDITION OF APPROVAL, GEOTECHNICAL REPORT ABOUT THE CONTRACTOR IMPLEMENTING THE GEOTECHNICAL REPORT, YOU ARE SAYING DUR CONSTRUCTION, YOU WOULD LIKE IT TO BE NOTED THAT IT ACTUALLY IS RECEIVED AND APPROVED PRIOR TO RECEIVING PERMITS, IS THAT RIGHT?

>> D. SANDERSON: I THINK THIS IS FINE TO LEAVE IN DURING
CONSTRUCTION.

BUT I WOULD LIKE TO HAVE IN PRIOR TO ISSUING THE BUILDING PERMIT
THE CONDITION NUMBER ONE THAT'S IN THE REVIEWERS, WHICH
BASICALLY SAYS THAT THEY, I CAN GIVE THIS TO STAFF IF YOU DON'T
HAVE IT.

THE APPLICANT'S GEOTECHNICAL CONSULTANT SHALL REVIEW ALL
GEOTECHNICAL ASPECTS OF THE PROJECT.

ANTICIPATED DEPTH TO BEDROCK MATERIALS ACROSS THE STREET FOR
STRUCTURAL DESIGN.

SUMMARIZED BY THE GEOTECHNICAL CONSULTANT IN A LETTER AND
SUBMITTED TO THE CITY ENGINEER FOR REVIEW.

PARTICULARLY THE LAST PART WHERE THE, WHAT THE PLANS ARE IF THE
GEOTECHNICAL ANALYSIS AND HOW IT WOULD BE APPROVED BEFORE THE
BUILDING PERMIT.

>> CHAIR DUFFY: OKAY, IS THAT A FRIENDLY AMENDMENT?

THERE'S A THUMB'S UP.

OKAY, TWO FRIENDLY AMENDMENTS.

I THINK IT'S COVERED IN THE BUILDING CODE ANYWAY, THEY ARE GOING
TO NEED IT.

BELT AND SUSPENDERS TO SAY THESE ARE TRICKY SITES.

>> D. SANDERSON: THIS PARCEL IS VERY CLOSE TO SOME SLIDE AREAS.
IT'S ON THE EDGE.

>> CHAIR DUFFY: YEP, IT'S VERY IMPORTANT WORK.
THAT'S A STEEP SITE.

ANY OTHER DISCUSSION ABOUT THE MOTION?

COMMISSIONER LUNAPARRA?

>> C. LUNAPARRA: THANK YOU.

AS OF RIGHT NOW I'M PLANNING TO ABSTAIN.

I'M NOT USUALLY INTERESTED IN LIKE PRIORITIZING VIEWS OVER
MULTI-FAMILY HOUSING BUT I ALSO DON'T BELIEVE WE SHOULD BE
BUILDING MORE SINGLE FAMILY HOUSING, ESPECIALLY IF WE AREN'T
TAXING FOR AFFORDABILITY AT ALL, WHICH THE CITY DOESN'T.

I DON'T SEE THIS PROVIDES ANY BENEFIT AND IT DOES PROVIDE A
DETRIMENT TO THE PEOPLE WITH THOSE HOUSES, THANKS.

>> CHAIR DUFFY: OKAY.

ANY OTHER COMMENTS ABOUT THE MOTION?

OR VOTE?

WE ARE GOING TO VOTE.

YOU ARE LOOKING AT ME LIKE LET'S VOTE.

LET'S VOTE.

>> OKAY, I HAVE A MOTION FROM COMMISSIONER TREGUB AND SECOND FROM VICE CHAIR GAFFNEY TO APPROVE 705 EUCLID AVENUE WITH INCLUDED RECOMMENDATIONS OR REQUIREMENTS, CONDITIONS TO INCLUDE BIRD-SAFE GLASS.

>> I. TREGUB: SCREENING OR BIRD-SAFE GLASS.

>> BIRD SAFE MEASURES.

>> I. TREGUB: YES.

>> ALSO TO REQUIRE THAT CONDITION OF APPROVAL #31 BE IMPLEMENTED PRIOR TO ISSUANCE OF A BUILDING PERMIT, THAT'S IN RELATION TO THE TRANSPORTATION CONSTRUCTION PLAN.

AND ALSO THAT THE FINDINGS AND CONDITIONS INCLUDE TWO CLEAR RECOMMENDATIONS, INCLUDED IN THE GEOTECHNICAL REPORT.

AND ONE OF WHICH SHOULD BE IMPLEMENTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

>> D. SANDERSON: CORRECTION.

TWO RECOMMENDATIONS ARE IN THE REVIEW LETTER OF THE GEOTECHNICAL REPORT.

THE CITY'S REVIEWER OF THE GEOTECHNICAL REPORT MADE THOSE TWO RECOMMENDATIONS.

>> THANK YOU FOR THE CLARIFICATION.

WHEN I CALL YOUR NAME, PLEASE STATE YOUR POSITION.

YES, NO, ABSTAIN OR ABSENT.

COMMISSIONER TREGUB?

>> AYE.

>> DUFFY?

>> AYE.

>> GAFFNEY?

>> YES.

>> THOMPSON?

>> YES.

>> LUNAPARRA?

>> ABSTAIN.

>> O'KEEFE?

HAUSER?

YUNG?

>> YES.

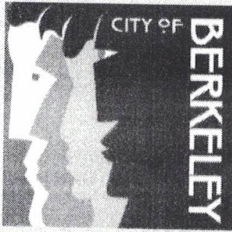
>> COMMISSIONER SANDERSON?

>> D. SANDERSON: YES.

>> WE HAVE SIX VOTES, FIVE AS IS A QUORUM, SO MOTION PASSES.

>> CHAIR DUFFY: YOU HAVE YOUR USE PERMIT PENDING NOTICE OF
DECISION AND TWO WEEK APPEAL PERIOD AND THEN YOU REALLY HAVE
YOUR USE PERMIT.

SHOULD THERE NOT BE ANY APPEALS.



Zoning Project Application

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](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](https://www.cityofberkeley.info/Planning_and_Development/Home/Types_of_Land_Use_Permits.aspx)

Zoning Project Submittal Requirements

<https://tinyurl.com/rahe8ld>

*Dedicated Consultant Review involves a competitive bid process to select an outside consultant. Please note: The consultant costs are in addition to Use Permit fees already paid.

Land Use / Zoning

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

(This box for staff use only.)

DATE STAMP HERE

Administrative Use Permit Variance
 Use Permit Modification of any of the Above

Zoning District(s): _____

Intake Planner: _____

Project Information:

Project Address: 705 EUCLID AVENUE BERKELEY CA 94708 Suite #: _____
 Assessor Parcel Number: 63-2955-40-1

Project Description:

NEW 4,528 SF HOUSE & OPEN PARKING PAD
ON VACANT UPSLOPE LOT

Dedicated Consultant Review* requested for UP(PH)? (Check box if requested)

Property Owner's Name: TAREK KHOURY
 Owner's Mailing Address: 903 VENTURA AVENUE ALBANY CA 94707
 Phone #: (570) 387-7100
 Email: tarek.khoury@gmail.com

Applicant's Name (or enter "same"): John Newton
 Applicant's Mailing Address: 5666 Telegraph Avenue Oakland CA 94609
 Phone #: (570) 847-4108
 Email: jmnewton67@sbglobal.net

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: John Newton
 Printed Name: JOHN NEWTON
 Date: 6-13-22

Owner Signature: Tarek Khoury
 Printed Name: Tarek Khoury
 Date: 6-13-2022

(This page is for staff use only)

Zoning District(s):	Description
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

John Newton
Design & Development
5666 Telegraph Avenue, Suite A
Oakland, CA 94609
(510) 847-4108 *phone*
jmnewton67@sbcglobal.net *email*

New house at 705 Euclid Avenue, Berkeley, CA 94708

June 14, 2022

Our project is to build a new house on this steep upslope lot. The lot is unique in that it's adjacent to Halkin Path so has public access from Hilldale Avenue above to the East and Euclid Avenue below to the West. The house is designed to provide access from both Euclid Avenue and from Halkin Path and we have the ability to have a flat yard on the East side. We're including a two-car open parking pad off Euclid Avenue as well for convenient vehicle access.

The design of the house maximizes the gorgeous views to the Bay and includes a roof deck as well to compensate for the lack of flat yards since the lot is so steep. The steepness of the lot makes the house tall in height so necessitates the request for height AUPs which are common in the R-1H neighborhood.

The house will not inordinately affect adjacent views or access to light etc. and we've had support from all the adjacent neighbors as indicated in the attached signature sheet.

Thank You,

John Newton

A handwritten signature in black ink, appearing to read "John Newton", with a long horizontal flourish extending to the right.



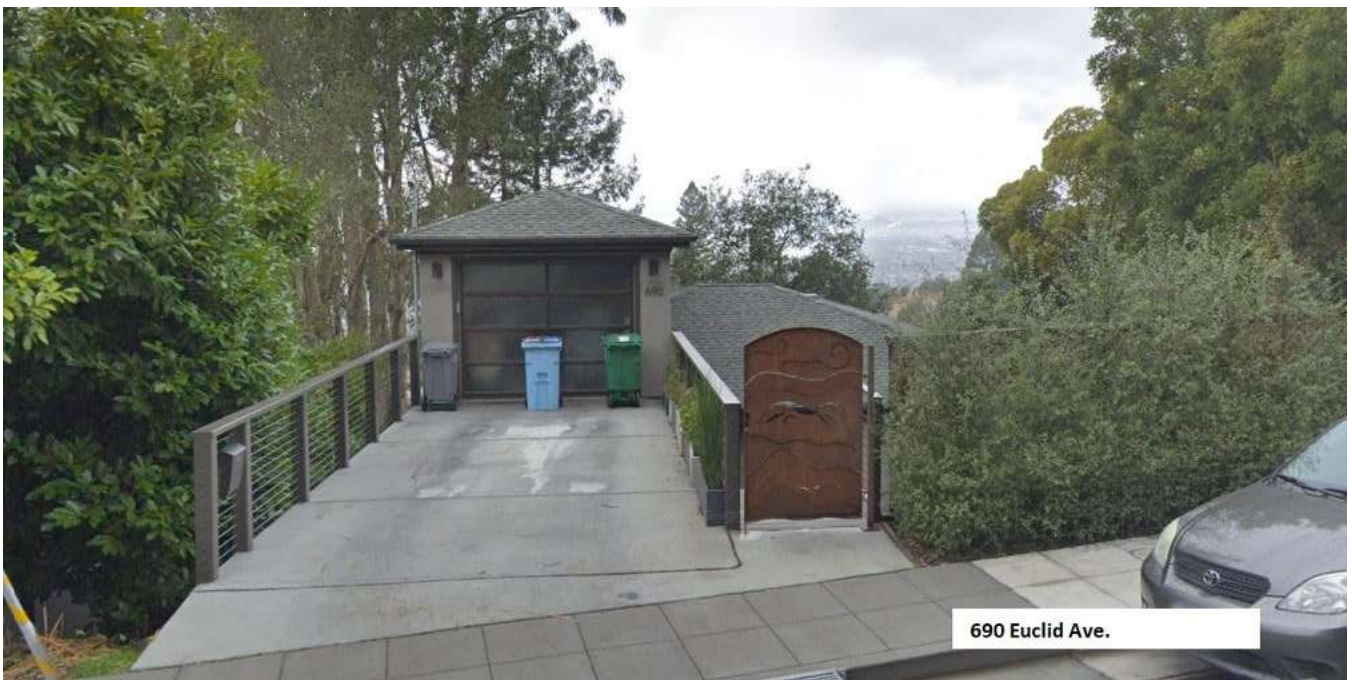




667 Euclid Ave.



669 Euclid Ave







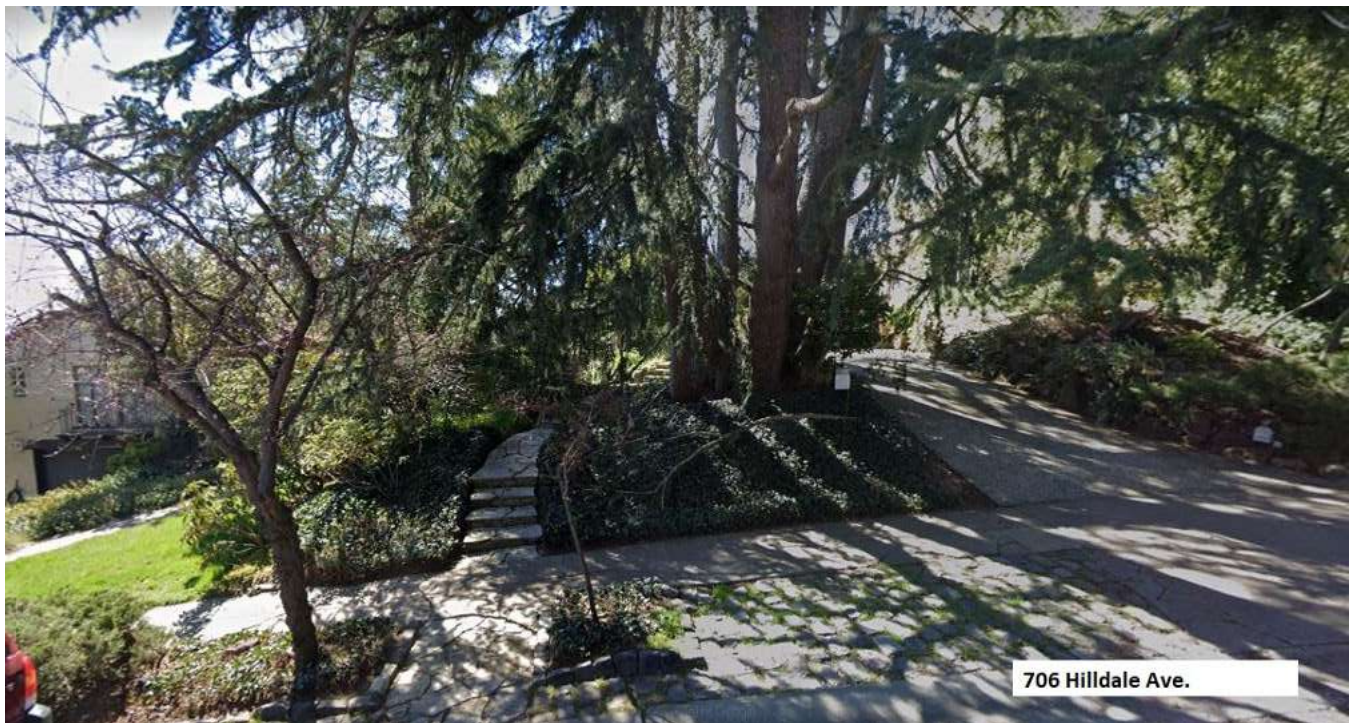
694 Euclid Ave.



696 Euclid frm Hilldale Ave









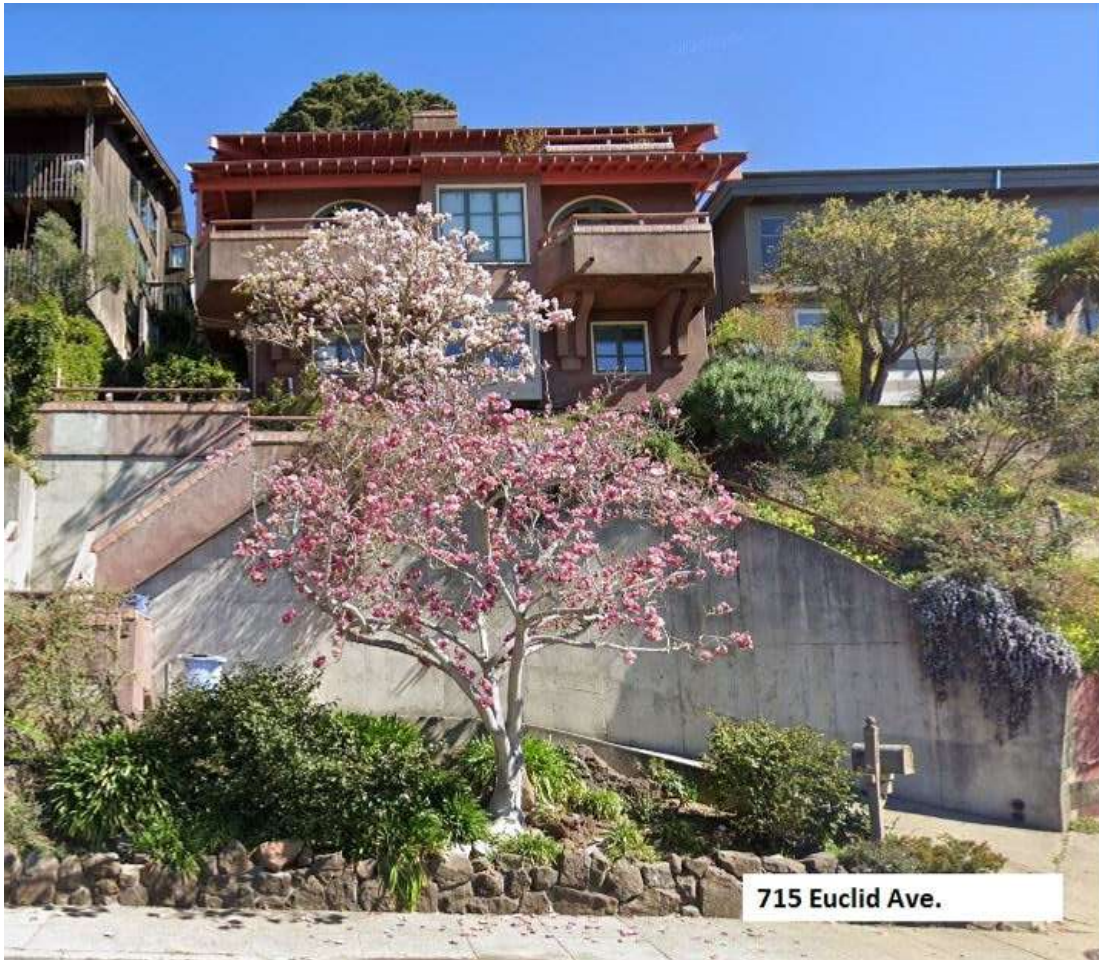
708 Euclid Ave.



713 Euclid Ave.



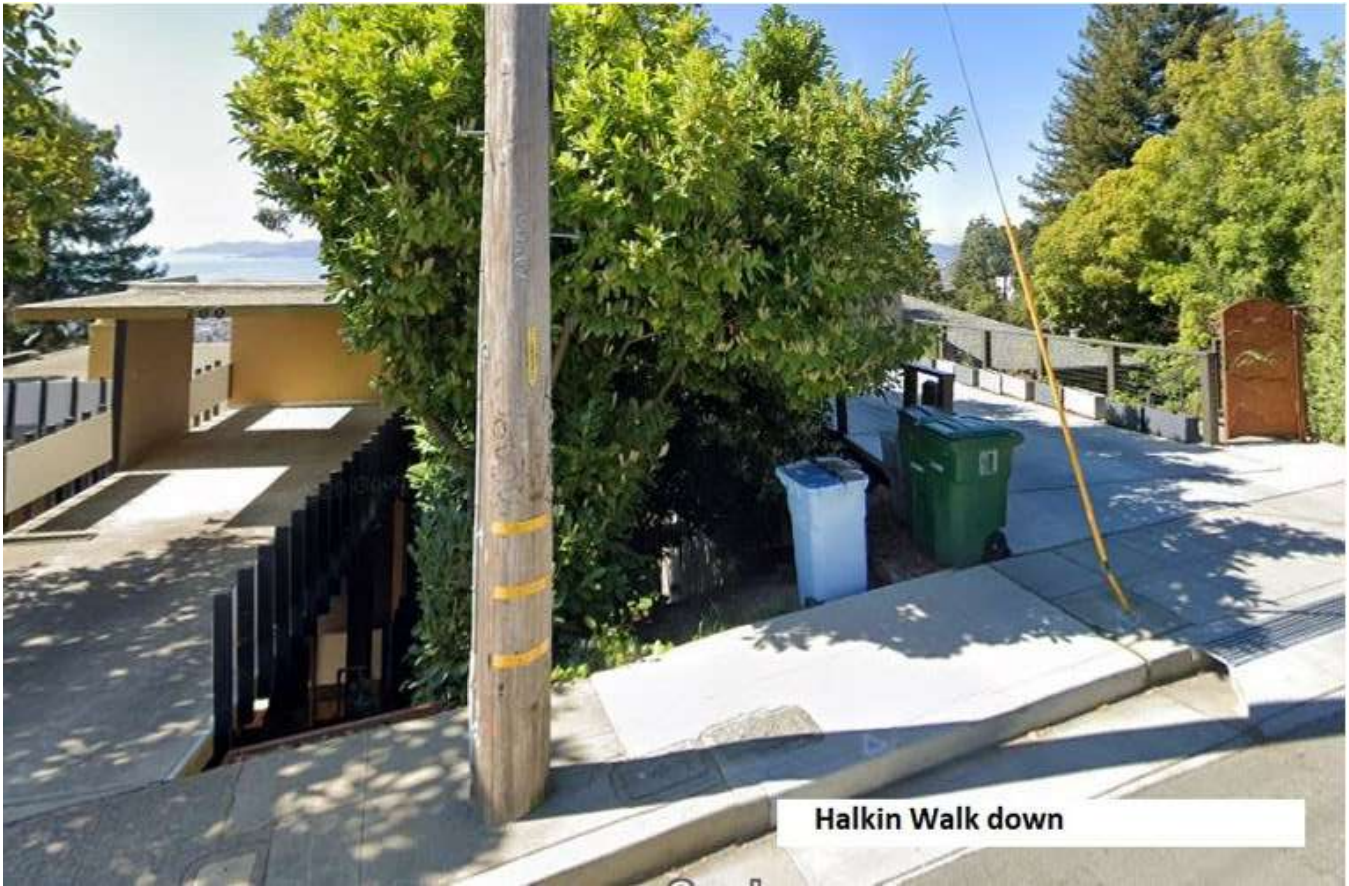
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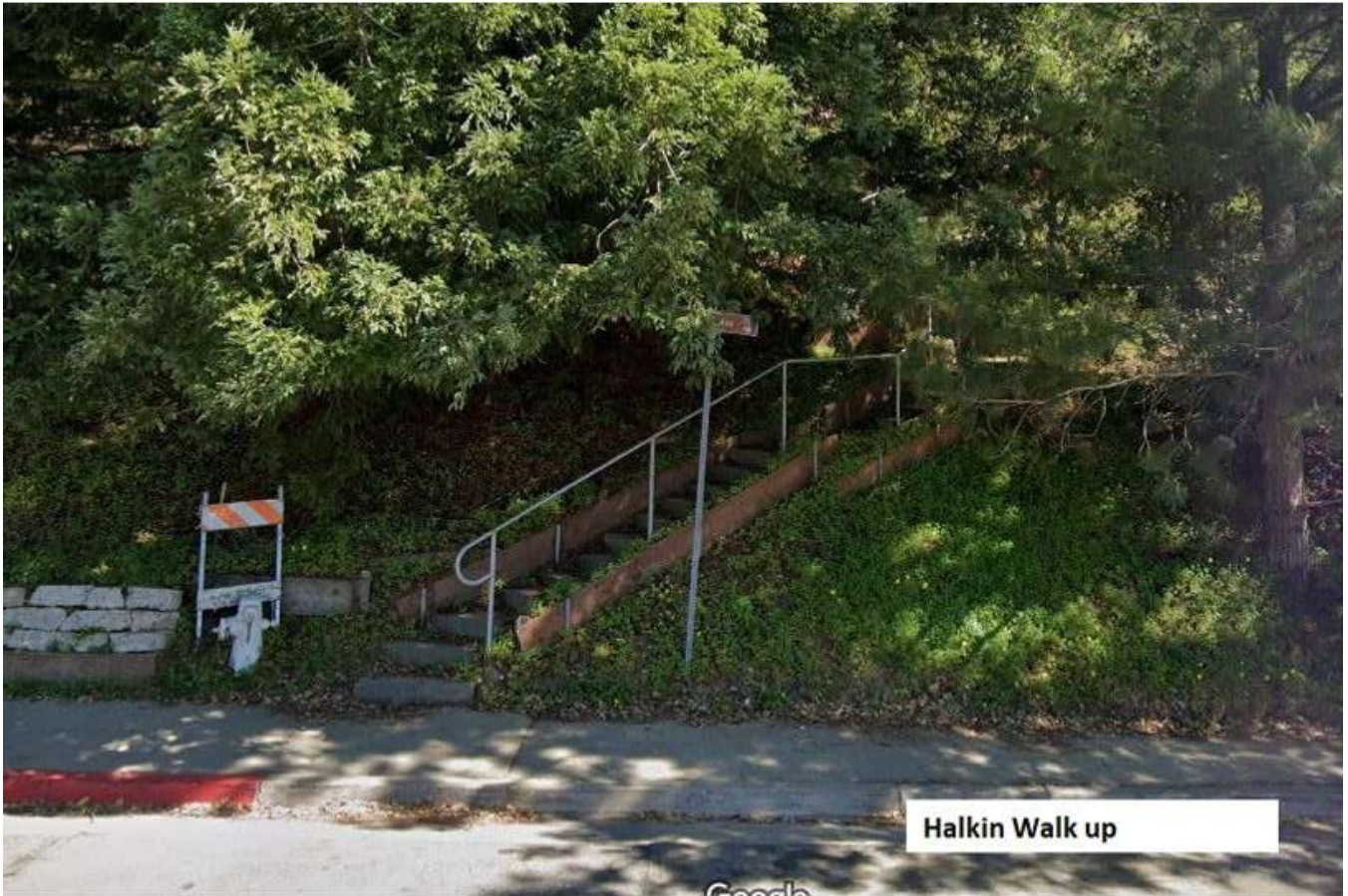


715 Euclid Ave.









Halkin Walk up

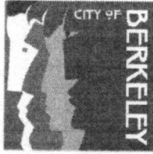








705 Euclid-Site 7



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: John Newton

Street Address: 5666 Telegraph Avenue

City, State, Zip Code: Oakland CA 94609

Phone Number: 510 847-4108 Email: johnnewton67@sbcglobal.net

Project Information:

Address: 705 Euclid Avenue

City, State, Zip Code: Berkeley, CA 94708

Assessor's book, page, and parcel number: 63-2955-40-1

Specify any list that the site appears on:

Regulatory identification number: _____

Date of list: _____

Site Use (if known):

Past: _____ Present: _____

Proposed: _____

Submittals (check all that are available):

Phase I Report Phase II Report Closure Letter Other: _____

Applicant's verification:

Signature: John Newton Date: 6-10-22

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Martin Arnest
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Arborist Assessment and Plan for Tree Protection

re: **Coast Live Oak (*Quercus agrifolia*)**

Prepared for the applicant:
Tarek Khoury
project stie:
705 Euclid Ave., Berkeley, APN 63-2955-40-1
May 26, 2022



(fig. 1)

SUMMARY:

This Arborist Assessment and Plan for Tree Protection specifically regards the mature Coast Live Oak (*Quercus agrifolia*) (fig. 1) located just within the property line of 705 Euclid Avenue in Berkeley, approximately 12' off the location of the north corner of the proposed new structure, and is submitted for the City of Berkeley as a condition for approval of the project, regarding the construction of a new home on an undeveloped lot.

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Page A1 of the project plans, titled "SITE PLAN & PROJECT INFO," (hereafter referred to as "site plan") shows a tree denoted as '18" Oak' on the site plan, and is the only tree covered in this report.

Based on my preliminary, visual, non-invasive observations of the tree and the site of the proposed work; my understanding of the work to be performed; and my consideration of the site and preliminary plans; my opinion is that the tree is not likely to be severely impacted by the activities that will be necessarily performed in the vicinity of the tree, provided that the contractor(s) faithfully observe the tree protection plan.

OBSERVATIONS:

The tree is a mature example of the species, approximately 20" **dbh** (see Definitions below). While the foliage is robust and the tree appears at present to be vigorous, there are signs of a complicated past. The main trunk has a moderate lean, but separates into two main stems which have developed with corrective, generally upright growth. (*fig.1,2*)



(*fig.2*)

However, the tree has obviously been subjected to several instances of severe pruning. On the one hand, several large limbs were removed at sometime in the recent past, and on the other, the tree shows clear signs of having been **topped**. Based on the amount of re-growth, the

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topping cuts appear to have been made at least a decade ago, and the result is a somewhat erratic and leggy limb distribution. (fig.3)



(fig.3)

The **root crown** has a well-formed flare, and there does not appear to have been at any time a grade change, two conditions that lend themselves to the stability of the tree. (fig.4) The tree stands just inside the property line, just over the other side of which exists a foot path running through the **inner critical root zone** of the the tree. (see *SITE PLAN, appendix A*) The foot path does not appear to be subject to heavy traffic that might lead to soil compaction, but it is notable that the path is not privately owned and burdened by easement, but is in fact City-owned land.



(fig.4)

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There exist several pronounced bark fissures on the main trunk below the main fork, discussed below. (fig.5.1, .2)

(fig.5.1)



(fig.5.2)



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The lot is a steep undeveloped lot, and lush vegetation conceals much of the open space from the street below and in some areas from neighboring properties. As such the property no doubt has a history that might be beyond discovery, notably including the improper topping that was performed on the Oak.

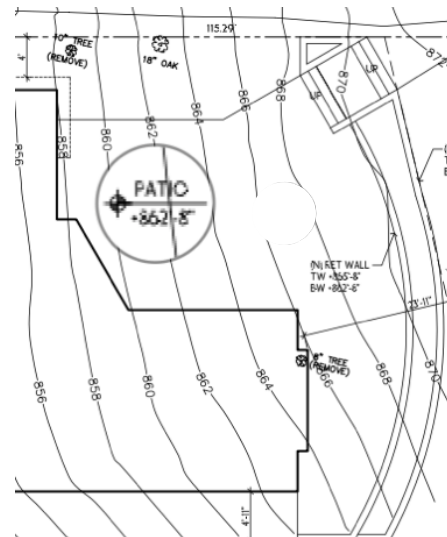
CONSIDERATIONS:

The Coast Live Oak, with its extensive network of shallow roots, is well known by arborists to be as sensitive to construction stress as it is worthy of extra protection and consideration during construction projects. Any basic tree protection plan will tend to include measures to mitigate the severity of such conditions and their long term impacts on the health and stability of the tree or trees.

During a typical construction project — even those that are not being performed within, but that might require traffic of workers and equipment through the tree’s **drip line** — the most likely causes of negative impact for trees is mechanical injury to the trunk or limbs, and soil compaction. As such, minimizing traffic and activity within the drip zone of the tree over the course of the entire project, and even in the months after the project is complete, will be the primary consideration. Whenever the work includes trenching, digging or significant grade changes in the drip zone, the additional need to minimize mechanical injury to significant roots and root structures must also be taken into consideration.

In the present case, an unusual circumstance exists in that several significant large trunks have been removed over the property of unknown size and orientation, and at an indeterminate time. Thus, it is not possible to conclude in the normal fashion what part of the property includes the drip zone of the tree, so the term **critical root zone (CRZ)**, often considered synonymous with “drip zone” would be a better term to refer to this area. The possibility that significant roots exist in areas where there is no canopy overhead can not be ruled out.

Otherwise, nearly all of the canopy overhangs the public pathway and the neighboring property to the north. While every measure will be taken to minimize impact to the CRZ of the tree, a significant share of the critical root zone exists outside the control of the property owner.



The plans call for a significant excavation to be performed in order to construct a retaining wall and create a terraced space for the area marked ‘Patio’ (dtl.2); and to construct some indeterminate section of the rear foundation of the house. At its closest, this area appears to skirt to within approximately 8’-10’ to the tree. In spite of the condition described

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above, it would be in this area and during this phase of the work that roots two-inch or larger may be encountered, and precautions to mitigate damage to such roots is described below in the Measures for Tree Protection section. Nevertheless, it is my opinion that the impacted portion represents sufficiently limited square footage relative to the overall area of the tree's root system to be of only minor concern

The bark fissures noted above should not be mistaken for stress fractures or the like. Often when transitory conditions such as high winds or heavy rains result in atypical, high loads, it is normal for Oaks to effectuate significant wood production to build compensatory strength and stability. This wood development often outpaces the production of bark, and tends to result in such fissures, and tends also to be a sign of good health and vigor. The added condition that the tree has had a significant amount of growth removed in the indeterminate past suggests that in spite of the unusual branch distribution, the forces that might compromise the stability of the tree have been reduced, while the strength of the wood and roots has not.

More concerning to the long-term health and stability of the tree in my opinion would be the possibility of excessive foot traffic on the public foot path through the inner critical root zone causing compaction of soil; but from what I am able to observe, the use of the path is infrequent, and thus appears to be of only minimal concern.

As the project is on an undeveloped lot, there are no existing utilities to be noted.

None of the proposed construction will necessitate pruning, given the existing configuration of the canopy. None of the proposed work will be performed in the tree's **inner critical root zone**, obviating the need for protection of the tree trunk from mechanical injury. Given the lack of canopy overhanging the property itself, for the most part tree protection will consist mostly of implementing best practices when roots larger than two inches are encountered, and delineating a tree protection zone for the duration of the project, discussed in detail below.

CONCLUSIONS:

The construction plan will in my opinion have minimal direct impact to the tree's long-term health, provided that the contractor(s) faithfully observe the tree protection plan.

Arborist disclosure: All observations are based on conditions present during the date or dates of arborist visits, and observable without recourse to excavating, probing, climbing, dissecting, or any other form of invasive inspection. Opinions, recommendations and conclusions are based on such observations, as well as on the reports of owners and agents as to existing conditions and proposed work. Observations, opinions and conclusions regarding the health, safety and stability of the tree or trees does not reflect assumptions about conditions that exist outside the purview of this report.

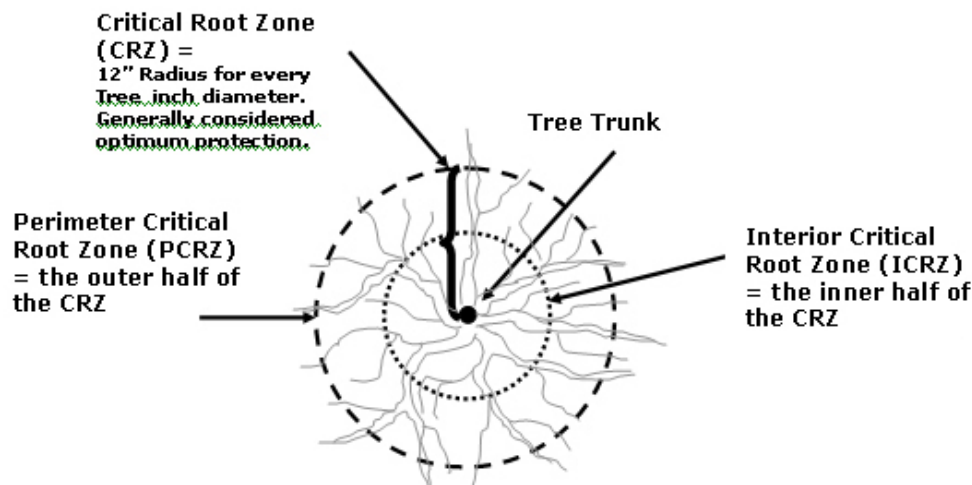
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DEFINITIONS:

Critical Root Zone (CRZ): Though arborists use a variety of ratios to calculate the critical root zone of a tree, it generally corresponds to a foot of radius surrounding the tree for every inch of diameter of the tree's trunk measured at breast height. It describes the area where the majority of any tree's critical below-grade processes of water and nutrient uptake occurs.



DBH: Diameter at Breast Height; considered roughly 4' above existing grade, the point on any tree where the main stem or stems are measured to standardize tree diameter measurements.

Drip Line: the area directly located under the outer circumference of the tree branches. The area within the Drip Line is often considered roughly to comprise the Critical Root Zone, though the CRZ can often extend beyond the Drip Line.

Inner Critical Root Zone (ICRZ): also known as the interior critical root zone, the inner half of the critical root zone.

Root Crown: The horizon, often but not always flaring, between a tree's above ground parts and below ground parts.

Tree Topping: Topping is the indiscriminate cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role. Topping is often used to reduce the size of a tree, but it is perhaps the most harmful tree pruning practice known. Topping can lead to unacceptable risk, tree stress, and decay. (ISA)

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MEASURES FOR TREE PROTECTION:

While some municipalities rely on arborists to create site specific tree protection plans for construction projects, the City of Berkeley has numerous minimum requirements for tree protection plans that refer specifically to the protection of the Coast Live Oak. (Ordinance NO. 6,905-N.S.)

These minimum requirements direct implementation of all aspects of the plan; and notably also include specific issues that require the consultation with the City Arborist. Time sensitive activities that may involve consultation with the City Arborist should be planned with this scheduling necessity in mind.

To minimize activity within the CRZ:

Establish a Tree Protection Zone (TPZ)

Section II(c) of the City of Berkeley Minimum Requirements states: *“Install 6 foot chain-link fencing to protect the area within the Drip Line of any protected tree in the development area. Fencing shall be mounted to posts that are driven into the ground. Where this is not possible because of existing structures, tree roots, or other obstacles, chain-link panels mounted to stanchions and connected to each other may be approved. In areas where difficult terrain makes this impractical, orange construction fencing may be approved.”*

The balance of construction activities overall will take place outside of the CRZ, however excavation for the rear patio, and some foundation installation may take place within.

Subject to the approval of the City Arborist, the TPZ should be established for the duration of the project in the area not projected to be excavated or trenched. Small trees and shrubbery within this area ought to be retained until the project is completed, or until landscaping is being installed, to provide further protection, and minimize disruption to the root zone.



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Whenever possible, workers and materials should refrain from transiting from front to back of the lot by way of the North-side public pathway. (Whether the contractors will fence the project site off from this pathway is outside the purview of this report.)

Section II(g) states: *“No storage of building materials, refuse, excavated spoils, or dumping of poisonous materials, is permitted within the drip line of any protected tree. Poisonous materials include, but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water, or any other material which may be deleterious to tree health.”*

To minimize the impacts of soil compaction within the Drip Line:

Section II(e) states: *“When any approved construction activity will occur within the Drip Line of a protected tree that is not surrounded by protective fencing...the area shall be covered with a 6 inch layer of mulch topped with 3/4 inch plywood that is fastened together. If any large or motorized equipment (mini excavator, Bobcat®, powered wheelbarrow) will travel over this area, the plywood must be a minimum of 1 inch and adequate for the weight of the equipment that will travel over it. If larger equipment (backhoe, tractor) will be used, consult the City Arborist. **Construction activity refers to any movement of people, tools, or equipment; or storage of any tools, equipment, or supplies.**”*

Not applicable; very little if any work appears to be planned within the drip line.

To minimize the risk of injury to the tree's trunk:

Section II(e) states: *“When any approved construction activity will occur within the Drip Line of a protected tree that is not surrounded by protective fencing, the trunk shall be protected by wrapping it with straw tubes (wattle) or vertical wood slats (ex. 2x4), up to a minimum of 8 feet from grade (see Figure 1, page 6). Slats shall be angled to protect the root flare at the base of the tree; and closed cell foam or equivalent material shall be used to protect the trunk of the tree where it contacts the slats.*

Not applicable; very little if any work appears to be planned within the drip line.

To minimize root damage and the effects of root pruning:

The possibility that significant roots will be encountered while working within the CRZ, especially when performing foundation work and excavating for the patio, is relatively minimal, but must not be overlooked. For the purposes of this plan, workers should consider any root more than 2” in diameter that is encountered at any time to be “significant” and cause for attention. When roots of this size are encountered, and especially if they are inadvertently damaged or severed, work should stop and the arborist should be consulted. Such roots will

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be inspected with the purpose of determining if the root can be cut, or if alterations to anchorage plans need to be contemplated.

Roots that are greater than 2" inches in diameter should be cut with a saw, not hacked with digging tools. Roots of this size that are inadvertently damaged by excavation should be "re-cut" with a branch or chain saw, attempting as close as is practicable to perform a proper pruning cut to undamaged wood, in order to facilitate the compartmentalization of wood decay.

(Example, before and after: significant roots damaged by excavation, are properly re-cut to sound tissue)



Though there appears not to be any work planned for the area within 3' of the Root Crown, this area ought to be considered entirely protected. Any damage to this area should be reported to the project arborist. No work should be done in this area without consulting the project arborist.

Arborist inspection, consultation, notification and documentation:

The project arborist will plan to visit the site prior to or at the outset of work, to summarize the plan and answer contractor questions; and to inspect (or perform, if applicable) and document the following: establishment and installation of fenced-off TPZ; discovery and mitigation of any and all roots greater than 2" in diameter prior to covering.

Signage will be affixed to the protective fencing surrounding the TPZ, regardless of its configuration, with contact information for the project arborist, and the following verbiage:

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TREE PROTECTION ZONE (TPZ):

All construction related activities including grade alterations, excavation, transit, equipment or materials storage, and disposal of liquid or refuse are not permitted within this TPZ. This barrier must remain in good condition, and must not be removed or re-configured without consultation with the project arborist.

The arborist will also plan for a follow up visits, to be arranged with the property owners, after construction is finalized to assess any impacts to the health of the tree. The contractor assumes responsibility for documentation and resolution for any conditions that arise outside the knowledge and presence of the arborist.



~~California Engineering Co.~~

CEICO

GEOTECHNICAL ENGINEERS

GEOTECHNICAL SOIL REPORT

New Residence on Empty Lot

Prepared For

Mr. Tarek Khoury P.E.

3755 Emerson Way, Apt. D
Oakland, CA 94610

Property Address

705 Euclid Avenue, Berkeley, CA 94708

March 15, 2022



STATE OF THE ART ENGINEERING, Berkeley, CA, USA
Http://California-Engineering.com Http://CalEngineering.com
Email: info@CalEngineering.com Mobile (510)282-5510 / 717-1417, Office (510)525-1494
Civil, Structural, Geotechnical Foundation and Mechanical Engineering, CE20859, GE464, ME31430

March 15, 2022

Our Reference CEICO 03022022

Mr. Tarek Khoury P.E.
3755 Emerson Way, Apt. D
Oakland, CA 94610

Subject: Geotechnical field Investigation and Soil Report for a New Residence on an Empty Lot for 705 Euclid Ave., Berkeley, CA 94708

Dear Mr. Tarek Khoury

In accordance with your authorization, we have conducted a Geotechnical Field Investigation for the above subject property on March 02, 2022. This report presents the results of our surface and subsurface investigations and is in conformance with the Zoning Requirements for Seismic Hazards Investigation, the State Hazards Mapping Act, California Geological Survey, 2019 California Building Code & USGS.

Based on our field, laboratory and office studies, it is our opinion that competent soil material was found to recommend the most suitable foundation for the proposed new residence on an empty lot at 705 Euclid Avenue, Berkeley, CA 94708, APN: 063-2955-040-1. The site is stable, has very low liquefaction susceptibility, is not in a slide area, has no recent history of seismic activity and outside the Alquist-Priolo Special Studies Zone.

We will be happy to provide you with our additional engineering services for the foundation and expansion construction supervision. We would appreciate at least 24 hours notice for our observations during construction.

Our recommendations are contained in this report. Please do not hesitate to give us a call if you have any question.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Michel S. Khoury", is written over the "Very Truly Yours," text.

Michel S. Khoury, MSCE, P.E.
California Geotechnical Engineering License #464
California Civil Engineering License #20859 & #88815



CEICO 03022022

*Cal Engineering Int. Co., Geotechnical Engineers***TABLE OF CONTENTS**

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*Cal Engineering Int. Co., Geotechnical Engineers***ATTACHMENTS**

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1. PURPOSE AND SCOPE OF WORK

This Geotechnical Investigation is for the proposed foundation for the proposed new residence on an empty lot at 705 Euclid Avenue, Berkeley, CA 94708, APN:063-2955-040-1, performed on March 02, 2022. The main purpose for the geotechnical investigation is to provide information about the geological conditions of the site and to recommend the most optimized foundation for this project. The scope of work for structural design and construction is by a third party engineering consulting and construction companies; our firm will coordinate with the structural engineer, the foundation design, and with the contractor all the aspects of the works including construction supervision and certification.

Based on our field, laboratory and office studies, it is our opinion that competent soil material was found to design a suitable foundation for the proposed works. We have observed no geological change in this site as a result of the Loma Prieta earthquake of October 1989. We are providing herewith, soil-engineering information relative to the planned development.

The scope of our work consisted of:

- 1) Review, compilation, and interpretation of available seismic, hydrologic, and geologic literature including maps pertinent to the site.
- 2) Field investigations including surface visual inspections and exploratory subsurface boring of three bore holes drilled to depths of: EA-1: 10', EA-2:12.5' and EA-2: 15.5' below ground elevation and the extraction of 15 samples for Laboratory testing to assess the engineering properties of the soil samples.
- 3) Field Investigation for the proposed foundation.
- 4) Literature review and research including: US Geological Survey (USGS), California Division of Mines and Geology (CDMG), CGS California Geological Survey and Dept. of Housing and Urban Development (DHUD) at UC Berkeley Library McCone Hall.
- 5) Examination of soil slides, liquefaction potential, expansive and corrosive soil, seismic induced settlement and settlement records, if any.
- 6) Compilation of seismic factors based on the soil geology and site location from an active fault Using USGS hazard data (<http://earthquake.usgs.gov/research/hazmaps>), and U.S. Seismic Design Map by SEAOC/OSHPD (<http://seismicmaps.org>)
- 7) Conformance with the Zoning Requirements for Seismic Hazards Investigation, the State Hazards Mapping Act, California Geological Survey, 2019 California Building Code and USGS.
- 8) Development of recommendations for designs and preparation of this engineering report.

Our investigation was conducted in conformance with generally accepted geotechnical engineering principles & practices, and in accordance with the standards of practice as set by the geotechnical engineers in the area.

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2. GENERAL BACKGROUND

A brief description of site location and proposed construction are given below.

2.1 SITE LOCATION

The site is at for the proposed new residence on an empty lot at 705 Euclid Avenue, Berkeley, CA 94708, APN: 063-2955-040-1.

2.2 PROPOSED CONSTRUCTION

New Residence on an empty lot.

3. LITERATURE REVIEW

Available literature, maps, and miscellaneous data pertinent to the site were reviewed, compiled, and interpreted. The information was mainly obtained from the sources listed below:

- a) U.S. Geological Survey (USGS), U.S. Department of Agriculture, Soil Conservation Service (SCS), and Dept. of Housing and Urban Development (DHUD)
- b) State geologic agencies, such as California Division of Mines and Geology (CDMG)
- c) CGS, California Geological Survey
- d) U.C. Berkeley Earth Science Library, McCone Hall.

3.1 SEISMICITY

As with the rest of the San Francisco Bay Area, the site is considered to be in one of the seismically active regions of the United States. The nearest trace of active fault is the Hayward Fault at 0.22 Miles Northeast from the site and the San Andreas Fault at 19.07 Miles southwest from the site (Figure 2, 2A & 2B).

Although research on earthquake prediction has greatly increased in recent years, seismologists have not yet reached the point where they can accurately predict when and where an earthquake will occur. Nevertheless, on the basis of current technology, and U.S. Geological Survey compiled data, it is reasonable to assume that the proposed structures will be subjected to at least one moderate or severe earthquake. The building or addition to the existing building should be structurally designed to withstand such earthquake.

Five earthquakes with energies exceeding Richter magnitude 7 have occurred in the last 150 years within the San Francisco Bay Area. The 1906 and 1989 San Andreas Fault earthquakes were the last of these major events. Moderate earth tremors and a slow creeping movement on some active Bay Area faults evidence present day seismicity. The maximum probable seismic shock to be expected from the Hayward Fault is a 7.2 magnitude event on the Richter scale. The site and general area could experience bedrock accelerations of 0.4 to 0.5 g. The site may be considered to be a firm site with a Characteristic Site Period (Ts) equal to 0.5 seconds and shock duration of 0.5 minutes.

CEICO 03022022 *Cal Engineering Int. Co., Geotechnical*

It should be clearly understood that California and especially the greater San Francisco Bay Area is an area of higher seismic risk. It should also be realized that, in general, it is not economically feasible to build totally earthquake-resistant structures that would be resistant to any and all earthquakes. Therefore it is possible that if a large or close earthquake to this site occurred, the site and structure could be damaged and there is an irreducible risk associated with living in a seismically active area such as California with many active faults.

Reference is made to the California Building Code CBC 2019, USGS, SEAOC/OSHPD, OSHPD Seismic Design Maps (<http://seismicmaps.org>), and Third Party Graphical User Interface GUI's. Based on the latitude & longitude of the site at 705 Euclid Avenue, Berkeley, CA 94708, and the site characteristics, the seismic factors are determined as follows:

Latitude 37.8984593 degree North, Longitude -122.266796 degree West. Site Classification "D" Stiff Soil profile based on borings EA-1, EA-2 and EA-2 Standard Penetration Test "N" ($15 > N > 50$). The soil factors including maximum accelerations and design accelerations are compiled as function of the spectral acceleration and they are:

Site Coefficients $F_a=1.2$, $F_v=null$	
Spectral acceleration for 0.2 sec. period (short)	$S_s=2.312g$
Spectral acceleration for 1 sec. period	$S_1=0.891g$
Maximum spectral response acceleration (short)	$SM_s=F_a S_s=2.775g$
Maximum spectral response acceleration	$SM_1=F_v S_1=null$
Design spectral response acceleration (short)	$SD_s=2/3 SM_s=1.85g$
Design spectral response acceleration	$SD_1=2/3 SM_1=null$

3.2 GEOLOGY

Published data does not indicate the presence of any significant geological problems associated with the site. The site is mapped by the CGS, California Geologic Survey, as "KJF" Franciscan Formation Mostly Well - indurated Sandstone and Shale.

Reference: USGS, Misc. Fields Studies, Map MF-809, Map Showing Maximum Earthquake Intensity in the Southern San Francisco Bay, CA 1975 by Roger Borchardt, James Gibbs and Kenneth Lajoie 1975. (Figures 5).

3.3 HYDROLOGY

Published data does not indicate the presence of any significant hydrological problems associated with the site.

Rainfall at the site is about 18-22 inches per year, with about 80% of the rain falling between the months of November and April. This amount of rainfall is about average for the Bay Area, which receives from 14 inches per year along the Bay Shore, to a maximum of 40 inches in the hills. (Figure 6)

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3.4 LIQUEFACTION POTENTIAL

Soil liquefaction describes a phenomenon whereby a saturated or partially saturated soil temporarily loses strength and acts as a fluid in response to an applied cyclic stress. The phenomenon is most often observed in saturated, loose low density or un-compacted, sandy soil. Shaking experienced at the subject site depends strongly on the type of deposits found near the surface. Generally there are three factors that need to take place for liquefaction to occur.

1. Loose, granular sediment
2. Saturation of the sediment
3. Strong shaking

Liquefaction is a relatively near-surface phenomenon in flat terrain, often with no visible effects if it occurs under more than approximately 4-5 meters of cover (Ishihara, 1985). Kishida (1970) observed the grain size distribution of boils ejected at Nanaehama Beach, Japan during the Tokachioki earthquake of 1968. Figueroa et al. (1995) examined the grain size distribution of soil samples collected from liquefaction related sand boils generated at the Lower San Fernando Dam, California during the Northridge earthquake of 1994. The grain size distribution indicates that the soil liquefying was very silty sand with clay content less than 10 percent. General consensus from studies indicate Clay Content <15 percent has a tendency to liquefy provided there is a relatively high ground water table and the cyclic stresses induced in the soil have sufficient intensity. The soil mechanics community generally agree based upon analytical study and instrumental records, that earthquake magnitude, distance from the hypocenter and local subsurface conditions are the three major factors that affect the seismic intensity at a site.

The USGS show the site to be in very low Liquefaction Susceptibility. Reference: Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine County San Francisco Bay Region, California by Keith Knudsen et al 2000 and Google Earth / USGS.

3.5 SEISMIC INDUCED SETTLEMENT

A) Seismic consideration

Hayward Fault: This fault is located in the eastern San Francisco Bay region and generally trends along and bounds the western side of the East Bay Hills (Aydin, 1982). The fault zone has three sections (Working Group on Northern California Earthquake Probabilities, 1996). The segment boundary between the Northern and Southern Hayward faults was long considered to be delineated by the location of the northern boundary of rupture associated with the Mw~7 1868 earthquake and the southern boundary of rupture associated with the 1836 (Working Group on California Earthquake Probabilities, 1988). The Hayward fault is characterized by fault creep along the Northern and Southern sections. A preferred average creep rate of 4.6 mm/yr was reported by Lienkaemper and Galehouse (1997).

San Andreas Fault: The northern leg of the fault runs from Hollister, through the Santa

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Cruz Mountains, epicenter of the 1989 Loma Prieta earthquake, then up the San Francisco Peninsula, where it was first identified by Professor Lawson in 1895, then offshore at Daly City near Mussel Rock. This is the approximate location of the epicenter of the 1906 San Francisco earthquake. The fault returns onshore at Bolinas Lagoon just north of Stinson Beach in Marin County. It returns underwater through the linear trough of Tomales Bay which separates the Point Reyes Peninsula from the mainland, runs just east of Bodega Head through Bodega Bay and back underwater, returning onshore at Fort Ross. (In this region around the San Francisco Bay Area several significant "sister faults" run more-or-less parallel, and each of these can create significantly destructive earthquakes.) From Fort Ross, the northern segment continues overland, forming in part a linear valley through which the Gualala River flows. It goes back offshore at Point Arena. After that, it runs underwater along the coast until it nears Cape Mendocino, where it begins to bend to the west, terminating at the Mendocino Triple Junction

B) Settlement Consideration

Settlement is broadly classified as total settlement and differential (uneven) settlement. Total settlement refers to the uniform settlement of the entire structure and occurs due to weight of the structure and imposed loads. Differential or uneven settlement can occur if the loads on the structure are unevenly distributed, variations in the soil properties or due to construction related variations.

3.6 EXPANSIVE AND CORROSIVE SOIL

The Atterberg limits were tested on sample EA-3-1@2' with the results: LL 31.75
PL 21.34 and PI 10.41.

The soil in the development area for 705 Euclid Avenue, Berkeley, CA 94708 is not included to be a corrosive soil as surveyed by Reconnaissance Soil Survey of the San Francisco Bay Area Region and Contra Costa County, California Corrosive Soil Survey by USDA, E.J Carpenter and S.W. Cobby University of California 1938.

For additional safety and certainty, we recommend soil corrosion testing be performed before installing steel piping that go through the native soil. In the event the soil has traces of corrosion, Portland cement Type II with moderate sulfate resistance or Portland Cement Type V high sulfate resistance must be used depending on the sample testing results.

4. SITE INVESTIGATIONS

Our site investigations, performed by our engineers on March 02, 2022, consisted of surface site reconnaissance, inspection and subsurface exploration, drilling and sampling to very dense soil strata.

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*Cal Engineering Int. Co., Geotechnical***4.1 SURFACE FEATURES AND CONDITIONS**

A surface reconnaissance of the site was performed to evaluate the surface site conditions and observe if any obvious indications of geotechnical or drainage problems were present. In addition, slopes on or adjacent to the site were also examined to provide supplemental information on the character of exposed soil materials including bedrock outcrops if any.

The site appears not to have been significantly affected by the wet winters, and the El Nino of 1998.

4.2 SUBSURFACE INVESTIGATION

We have conducted on March 02, 2022 a subsurface investigation of this site at 705 Euclid Avenue, Berkeley, CA 94708. The investigation consisted of three boreholes: EA-1, EA-2 and EA-3. The logs of the boring are attached to this report (Figures 12, 13, and 14). The test boring EA-1 (Lat 37.898500 N, Lon -122.266806 W) was terminated at the depth of 10', the soil encountered at the bottom of the hole was, very dense tan brown silty sand with rocks. The test boring EA-2 (Lat 37.898493 N, Lon -122.266818 W) was terminated at the depth of 12.5', the soil encountered at the bottom of the hole was, very dense tan brown silty sand with rocks. The test boring EA-3 (Lat 37.898422 N, Lon -122.266941 W) was terminated at the depth of 15.5', the soil encountered at the bottom of the hole was, very dense green brown silty sand with rocks (Unified Classification ASTM D-2487).

Sieve Analysis is made to aid in the classification of the soil, it was performed on Sample EA-1-5@10 foot with the following results:

<u>Sieve Analysis % of Sample Passing EA-1-5@10'</u>	
Passing No. 30	33.20%
Passing No. 50	24.43%
Passing No. 100	17.15%
Passing No. 200	12.12%

Hydrometer Analysis is made to aid in the soil composition & percentage content, it was performed on Sample EA-2-1@4 foot with the following results:

<u>Hydrometer Analysis % of Soil Composition EA-2-1@4'</u>	
Sand	81.66%
Clay	10.13%
Silt	8.21%
Colloids	6.75%

The Atterberg Plastic Limit / Liquid Limit / Plasticity Index test is made to evaluate the soil expansive potential and it was performed on sample EA-3-2@4 foot with the following results:

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*Cal Engineering Int. Co., Geotechnical*Atterberg Limits EA-3-2@4'

Liquid Limit	31.75
Plastic Limit	21.34
Plasticity Index	10.41

The results encountered in all the referenced logs are fundamentally similar in nature. Our site reconnaissance and subsurface exploration confirmed that the materials shown on published geological maps were present. Based on the consistency of the soil materials and the results obtained from the boring at the site, **it is our professional opinion that no additional exploration, boring or laboratory testing** is necessary at this time for all practical purpose.

We wish to point out that the attached test logs and related information depict subsurface conditions only at the approximate locations shown on the Boring Location Figure and on the dates designated on the logs. Subsurface conditions at other locations and times will differ somewhat from the conditions occurring at our test locations.

5. CONCLUSIONS, RECOMMENDATIONS, AND DESIGN GUIDELINES

Based on our field and office studies, it is our opinion that from a soil and foundation engineering standpoint, foundation for a new residence on an empty lot can be performed using the parameters developed in this report. The proposed foundation types are designed to resist earthquake forces utilizing seismic factors derived from USGS Earthquake Hazards Programs and SEAOC/OSHPD (<http://seismicmaps.org>)

Detailed soil and foundation engineering for use in the design and construction of the proposed works are presented in the subsequent sections of this report. It is recommended that a geotechnical engineer be retained to:

- (1) Review the soil engineering aspects of foundation plans prior to construction
- (2) Observe the general excavation
- (3) Observe the placement of concrete
- (4) Observe the sub grade conditions in the foundation excavations and/or pier drilling
- (5) Observe the surface drainage facilities installed.

5.1 SITE PREPARATION AND EARTHWORK OPERATIONS

All sub-grade surfaces that will receive structural or engineered fill should be scarified, moisture-conditioned wet of optimum and compacted to the requirements given below. The proposed structural fill to be used should be tested for compaction characteristics.

The existing native soil on top of any cut may need to be excavated to the depth of 1- 2 foot, if directed by the site geotechnical engineer following soil inspection, and soil hauled away. If any, imported engineered fill or recycled concrete can be used in place of the excavated 2 foot of native soil. The soil observed behind the residence through the 6-7' cut

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is very dense and can be used without importing fill, but if soil is imported, the fill used at the site should be a non-expansive soil with a plasticity index of 12 or less. All fill and backfill materials placed at the site should not contain rocks for lumps greater than 6 inches in greatest dimension with no more than 15 percent larger than 2.5 inches.

If applicable, all structural fill and backfill materials placed at the site should be compacted to at least 90 percent relative compaction by mechanical means only as determined by ASTM Test Designation D1557-78. The upper six inches of sub grade should be compacted to 95% density. The fill and backfill materials should be spread and compacted in lifts not exceeding 6 inches in thickness.

The exposed sub-grade soils under grade beams shall be pre-wetted 24 and 12 hours prior to pouring concrete. The pre-wetting of the soils is intended to reduce the expansive potential of the soils by increasing the moisture content to depths of 2 foot or greater.

5.2 DRAINAGE

It should be realized that considerable amount of runoff water from prolonged and intense rainfall flows along the surface of the ground and down the slope. A significant amount of water may percolate through the upper portions of the top soil materials, then flows along the surface of impervious soil layers or along the surface of the bedrock because the bedrock is much more dense and compact than the above soil materials. Improvement of both the surface and subsurface drainage conditions is necessary to insure the stability of the site and to improve hydrologic conditions.

5.2.1 SUBSURFACE DRAINAGE

In general, positive surface drainage should be provided adjacent to the structures as to direct surface water away from foundations to suitable discharge facilities. Water should not be allowed to flow over the tops of any slopes and pooling of surface water should not be allowed adjacent to the structures. Water seeps underground at various depths depending on the nature of the soil and its geological formation.

5.3 FOUNDATIONS

The foundation design for the new residence must include the following:

1. Drilled-in cast-in place reinforced concrete friction piers, drilled into the very dense brown silty sand soil strata and connected together on top with grade beams forming a grid to provide collectively confinement and better resistance to earthquake forces
2. Slab / Mat foundation for the driveway, walkways and 4" thick interlocking pavers for the concrete deck, if any.

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5.3.1 DRILLED PIER FOUNDATION

The foundation must be supported on drilled cast-in-place straight-shaft friction piers that are designed to develop their load-carrying capacity through friction between the sides of the piers and the surrounding subsurface materials and through end bearing.

Friction piers should have a minimum diameter of 16 inch. The depth of the piers must extend to a minimum depth of:

- 13 foot for the upper third of the lot
- 15 foot for the lower two third of the lot

or deeper below grade depending on the site condition and geotechnical engineer observation during the drilling operations.

The actual diameter and depth of the piers can be determined using an allowable skin friction value of 500 pounds per square foot for dead plus live loads with a one-third increase for all loads including wind or seismic, the upper 2 foot around the pier must be neglected. In Bedrock use 800 pound per square foot for dead plus live loads with a one-third increase for all loads including wind or seismic. Up to 2/3 of the downward pier load capacity may be used for uplift. Pier lengths should be checked under lateral, vertical, and uplift loading conditions. (The piers will be on an approximate 2:1 slope and must have a minimum of 10 feet horizontal distance between the pier and slope and the skin friction to start at a depth of 5 feet.)

We recommend that all the piers be reinforced with at least No. 5 bars that extend to the depth of the pier holes, with #3 ties at 10-inch centers or spiral ties . We also recommend that all piers be tied together with tie beams or grade beams between piers. Grade beams should be at least 12 inch wide, 12 inch deep and contain 2#5 bars top and bottom with #3 ties at 10-inch centers. Good foundation continuity should be provided with 30-inch bends at all grade beam corners and intersections. We also recommend that the steel from the piers extend sufficient distance into tie beams and grade beams to develop its full strength in bond. In addition, we recommend that all grade beams be designed to span between the piers in accordance with structural requirements. We recommend that the steel from the piers extend sufficient distance into tie beams and grade beams to develop its full strength in bond. Structural wood joist floors should be used to support the residence and should derive all their support from the pier and grade beam foundation.

The above Minimum pier and grade beam sizes and reinforcements are based upon geotechnical engineering considerations and should not be reduced by the structural engineer, without concurrence with the geotechnical engineer. The foundation should also be designed to resist the minimum loads as required by the 2019 California Building Code.

Pier holes should be drilled plumb and cleaned of loose soil and standing water. We judge that pier foundations can possibly be drilled using conventional heavy-auger drilling equipment. However, several zones of relatively hard sandstone / siltstone layers could be encountered. The foundation contractor should be prepared to utilize suitable hard rock drilling techniques (such as core barrels), if necessary. Even though the piers will be

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designed to develop their capacity through friction, their bottoms should be dry and reasonably free of loose cuttings prior to installing reinforcing steel and placing concrete. We wish to point out that some of the pier holes may encounter refusal, with the drilling equipment, short of their design depths; our engineers will evaluate such piers on an individual basis at the time of drilling. It is very essential that we monitor/supervise the pier drilling operation to insure that sufficient penetration to bedrock is properly achieved. Concrete in uncased holes shall be vibrated continuously as the concrete is poured, using a standard internal vibrator. Adequate vibration is necessary for the development of skin friction stress on the pier shaft. If pier shafts will not stand open, temporary casing may be necessary to support the sides of the pier shafts until concrete is placed. Drilling to achieve the required depth into bedrock may require an increase in time and effort because of variable hardness. The exposed sub grade soils under grade beams shall be pre-wetted 24 and 12 hours prior to pouring concrete. The pre-wetting of the soils is intended to reduce the expansive potential of the soils by increasing the moisture content to depths of 2' or greater.

5.3.2 GRADE BEAMS FOUNDATION

Grade beams connecting the Concrete Piers should be used for additional stability against lateral earthquake forces and sliding. The grade beams must form a grid if practical, within the footprint. The grade beams should be at least 12 inch wide, 12 inch deep and contain 2#5 bars top and bottom with #3 ties at 10-inch centers. Good foundation continuity should be provided with interfacing the existing piers. Depending on the structural engineer design the re bars should extend sufficient distance into existing piers.

The above **Minimum Grade Beam** sizes and reinforcements are based upon geotechnical engineering considerations and can be reduced by the structural engineer with coordination with the geotechnical engineer. The foundation should also be designed to resist the minimum loads as required by the California Building Code 2019.

5.3.3 SLAB / MAT FOUNDATION

Slab or Mat foundation should be supported on a minimum of 18 inch of imported engineering fill unless the excavation shows good native soil as approved by the geotechnical engineer. The Slab / Mat shall be a minimum of 8 inch thick with a minimum reinforcing steel bars #5@12" both ways top and bottom and an allowable soil bearing pressure of 2500 pounds per square foot. The upper 6 inches of the soil materials should be compacted to at least 95 percent relative compaction as determined by ASTM Test Designation D1557-78. In any mat area where mat wetness would be undesirable, we recommend that an impermeable membrane be placed over the free draining gravel and that the membrane be covered with 2 inches of sand to protect it during construction. The membrane must be a minimum of 12 mils similar to Stego Industries membranes underlain by a select granular fill for capillary break consisting of Class 2 aggregates baserock 6-8" thick.

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5.4 RETAINING WALLS

Retaining walls, must be supported on reinforced concrete drilled-in pier foundation. We recommend that **unrestrained walls** with a level surface or with a sloping surface flatter than 4:1 are designed to resist an equivalent pressure of 50 pounds per cubic foot. Where the sloping surface is at an inclination or 2:1 or slightly steeper, the unrestrained walls should be designed to resist an equivalent fluid pressure of 70 pounds per cubic foot. For walls with a sloping surface at an inclination of between 4:1 and 2:1, a straight-line interpolation between the 50 and 70 pounds per cubic foot may be used, and / or be designed for the lateral pressure generated from the 95% relative compaction needed for the driveway and based on ASTM TD D-1557.

We recommend that **restrained walls** (non-yielding / rigid) constrained against movement subjected to at-rest lateral earth pressures equivalent to a fluid weighing 70 pounds per cubic foot where the back slope is level; 80 pounds per cubic foot, where the back slope is inclined at 3:1; or 90 pounds per cubic foot, where the back slope is inclined at 2:1. For walls with a sloping surface at an inclination of between 4:1 and 2:1, a straight-line interpolation between the 70 and 90 pounds per cubic foot may be used.

If the structural engineer determines that they are any additional surcharge loads on the walls, the unrestrained walls should also be designed to resist an additional uniform pressure equivalent to one-third the maximum anticipated surcharge load applied at the surface behind the walls. The structural engineer must determine in his calculation the safest method in his design using the above generated loads or the "Lateral Load Resistance" presented below.

The above pressures assume that sufficient drainage will be provided behind the walls to prevent the build-up of hydrostatic pressures from the surface / subsurface water infiltration.

5.5 LATERAL LOAD RESISTANCE

Lateral loads may be resisted by passive pressures acting against the sides of the piers / grade beams / walls. We recommend a passive pressure equal to an equivalent fluid weighing 300 pounds per square foot per foot of depth to a maximum of 1500 pounds per square foot. This value can be acting against 1.5 times the diameter of the individual pile starting at a depth of 2 feet below the bottom of the grade beams.

Lateral loads on piers / anchors/ footings / grade beams may be resisted by (1) Friction between the foundation bottoms and the supporting sub grade materials.(2) Passive pressures acting against the sides of the footings. We recommend the following coefficient of friction and passive pressures:

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<u>Depth Below Existing Site Grades (feet)</u>	<u>Coefficient of Friction</u>	<u>Passive Pressures (Pounds Per Cubic Foot)</u>
2 to 3	0.25	300
3 to 6	0.30	400
6 to 9	0.35	500
Below 9	0.40	600

We wish to note that the passive pressures presented above can be increased to a maximum value of 1500 pounds per square foot.

We recommend that the factor of safety against sliding and over-turning for all retaining walls be at least 1.5. We wish to note that when calculating the weight of soil on the portion of the protruding wall footing where backfill will be placed, (i.e. the weight of soil that will resist over-turning forces), an imaginary line at an inclination of 10 degrees from vertical can be used starting at the top of the wall footing. In addition, the backfill materials can be assumed to have a unit weight of at least 110 pounds per cubic foot.

Design Example:

The retaining wall design with active and seismic pressures shall be compared with a retaining wall design of equivalent height using only active pressure resulting in a uniform lateral pressure composed of two triangular distributions with one inverted triangular distribution.

Seismic Pressure:

The following guidelines shall be used when designing a retaining wall with Seismic pressure:

Combined effect of static and seismic lateral force:

$$P_{AE} = F_1 + F_2$$

$$F_1 = 1/2 * A * H^2 \quad \text{Resultant acting at a distance of } H/3 \text{ from base of wall}$$

$$F_2 = 3/8 * K_h * \gamma * H^2 \quad \text{Resultant acting at a distance of } (0.6 * H) \text{ from base of wall}$$

Where:

F_1 = Static Force (plf) based on active pressure

F_2 = Seismic Lateral Force (plf) based on seismic pressure

F_2 = Seismic Lateral Force (plf) based on seismic pressure

$120 = \gamma$ pcf

$K_h = S_{Ds}/2.5$

A = Active Pressure (pcf)

H = Height of retained soil (ft)

(Reference: 1807.2 Building Code Manual, County of Los Angeles, Dept. of Public Works, Safety Division)

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*Cal Engineering Int. Co., Geotechnical***5.6 SEISMIC FACTORS**

Reference is made to the California Building Code CBC 2019, USGS, SEAOC/OSHPD, OSHPD Seismic Design Maps (<http://seismicmaps.org>), and Third Party Graphical User Interface GUI's. Based on the latitude & longitude of the site at 705 Euclid Avenue, Berkeley, CA 94708, and the site characteristics, the seismic factors are determined as follows:

Latitude 37.8984593 degree North, Longitude -122.266796 degree West. Site Classification "D" Stiff Soil profile based on borings EA-1, EA-2 and EA-2 Standard Penetration Test "N" ($15 > N > 50$). The soil factors including maximum accelerations and design accelerations are compiled as function of the spectral acceleration and they are:

Site Coefficients $F_a=1.2$, $F_v=null$

Spectral acceleration for 0.2 sec. period (short) $S_s=2.312g$

Spectral acceleration for 1 sec. period $S_1=0.891g$

Maximum spectral response acceleration (short) $S_Ms=F_a S_s=2.775g$

Maximum spectral response acceleration $S_{M1}=F_v S_1=null$

Design spectral response acceleration (short) $S_Ds=2/3 S_Ms=1.85g$

Design spectral response acceleration $S_{D1}=2/3 S_{M1}=null$

5.7 SETTLEMENTS

It is estimated that the post-construction settlement of the foundations under design loads should not exceed approximately 1-2 inch (approximated based on our experience but not calculated). It must be noted that the foundation of drilled-in friction piers and grade beams is more efficient than other types of foundation.

5.8 UTILITY TRENCHES

If required and needed, shallow utility trenches shall be designed to withstand minimal bracing. The California Safety Orders requires more substantial bracing or shoring for trenches deeper than 5 feet. Utility trenches should be designed to minimize the transmission of water into the sub grade soils beneath pavements, slabs on grade or structures. We suggest plugging the full depth of the trench with on-site, clayey soil, for a distance of two feet on either side of such structures.

For the balance of this section of this report, "bedding" is described as that material placed around the pipe, such as sand, concrete, and "backfill".

Unless concrete bedding is required, we recommend that imported free-draining sand be used as bedding and compacted to 85% relative density. The sand proposed for use, as

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bedding should be tested to determine its suitability prior to its delivery to the site.

On-site, inorganic soils may be used as trench backfill. Such soils should be placed in 8 inch layers and compacted to achieve a density equivalent to at least 85% of the maximum dry density of the soil according to ASTM Test D1557-78. Contractors may use other compaction techniques, so long as the required density is achieved. Beneath pavements, foundations and concrete slabs on grade, trench backfill should be compacted to 90%. Beneath pavements, the surficial 6 inches of trench backfill should be compacted to 95%.

5.9 PLANTING

We recommend landscape installation of plants that require minimum watering. Do not plant shallow-rooted trees so close to structures or pavement that root heaver can occur.

5.10 MAINTENANCE

Annual flushing with a garden hose of all under drains and catch basins is recommended. If any pipes become clogged, they should be cleared so that hydrostatic pressures do not reduce the shear strength of the soils.

5.11 Cal/OSHA TEMPORARY CUT SLOPE

If applicable, the soil-type classifications and recommendation for temporary cut slopes for retaining walls constructed and backfilled shall be Type B with maximum allowable inclination of height depth ratio of 1:1

6. CONCLUSIONS AND LIMITATIONS

The following conclusions are based on the results of our study of the subject site.

2. It is our opinion, that a foundation for the new residence is feasible from a Geotechnical Engineering standpoint provided the recommendations contained in the Soil Report are followed.
3. Seismically induced ground shaking with some structural damage may occur within the economic life of the development. Sub-grade preparation and foundation type as: piers & grade beams to very dense soil strata, are intended to minimize the effects of ground shaking below the structure.
4. The sub-soil profile and properties are considered to be relatively uniform containing silty sand and silty sandy clay so the earthquake induced differential settlement is considered to be low. Overall cumulative settlement from a seismic event is estimated and not calculated to be on the order of 1 to 2 inch.

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5. A very low liquefaction potential / susceptibility exists at the subject site. This opinion is based on predominantly the soil, groundwater, the CGS and USGS maps.
6. Based on the soil encountered at the site, the following foundation can be used for the new residence:
 - Drilled-in cast-in place reinforced concrete friction piers, drilled into the very dense brown silty sand soil strata and connected together on top with grade beams forming a grid to provide collectively confinement and better resistance to earthquake forces
 - Slab / Mat foundation for the driveway, walkways and 4" thick interlocking pavers for the concrete deck, if any.
7. Risk of geotechnical hazards will always exist due to uncertainties of geologic conditions and the unpredictability of seismic activity in the Bay Area. However, in our opinion, based on available data, there are no indications of geotechnical hazards that would preclude use of the site for the proposed foundation settlement mitigation.

Our services consist of professional opinions, conclusions, and recommendations were performed in accordance with generally accepted geotechnical engineering principles and practices and in accordance with the standards of practice as set by the geotechnical engineers in the area. This warranty is in lieu of all other warranties either expressed or implied. Our liability is limited to the amount charged for this report.

This report assumes that a qualified geotechnical engineer will be retained to provide geotechnical engineering and construction supervision services during foundation work including drilling for the piers, steel bars reinforcing and concrete casting for piers and grade beams. It must be thoroughly understood that the recommendations that are presented in this report should not be construed to be any type of long-term guarantee or insurance against future geotechnical problems that may occur at the site. We feel that the recommendations contained in this report will greatly reduce the risks of any future geotechnical problems, but any risk that still remains must be borne by the Owners of the dwellings.

If you have any questions regarding this report, please call us at (510) 524-1494. We will be happy to provide you with the additional services our company can perform.



Very Truly Yours,
CAL ENGINEERING INT CO, Geotechnical Engineers

A handwritten signature in black ink, appearing to read "Mike Khoury", written over the typed name.

Mike Khoury, MSCE, P.E.
California Geotechnical Engineering License #464
California Civil Engineering License #20859

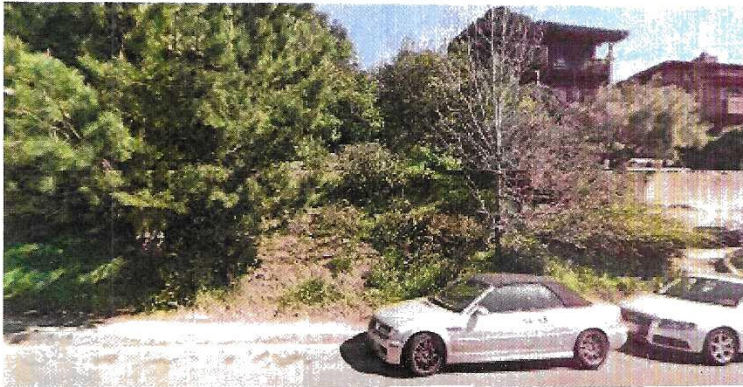
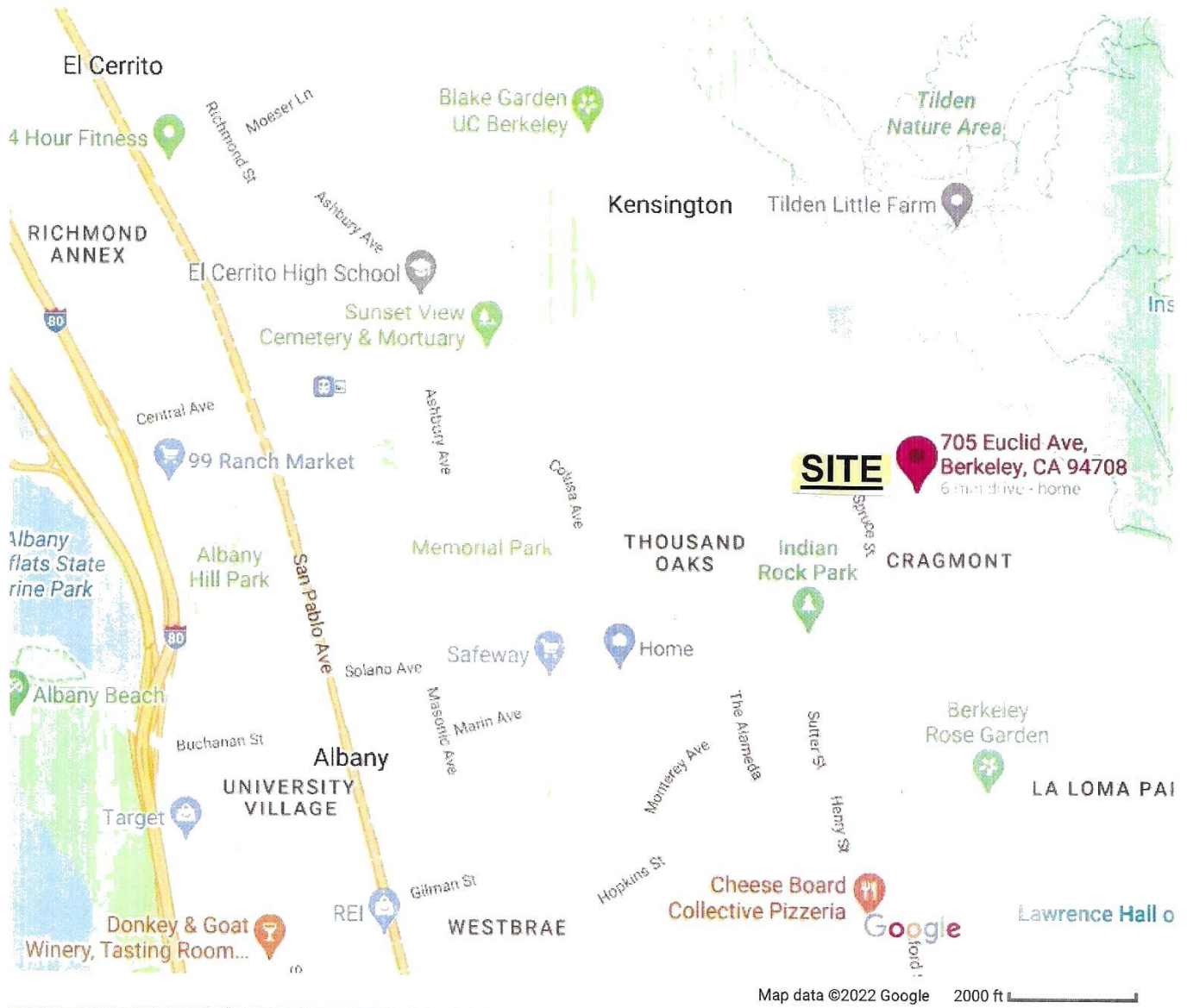


Attachments: - one original hard copy report, signed and wet stamped
- one PDF copy emailed

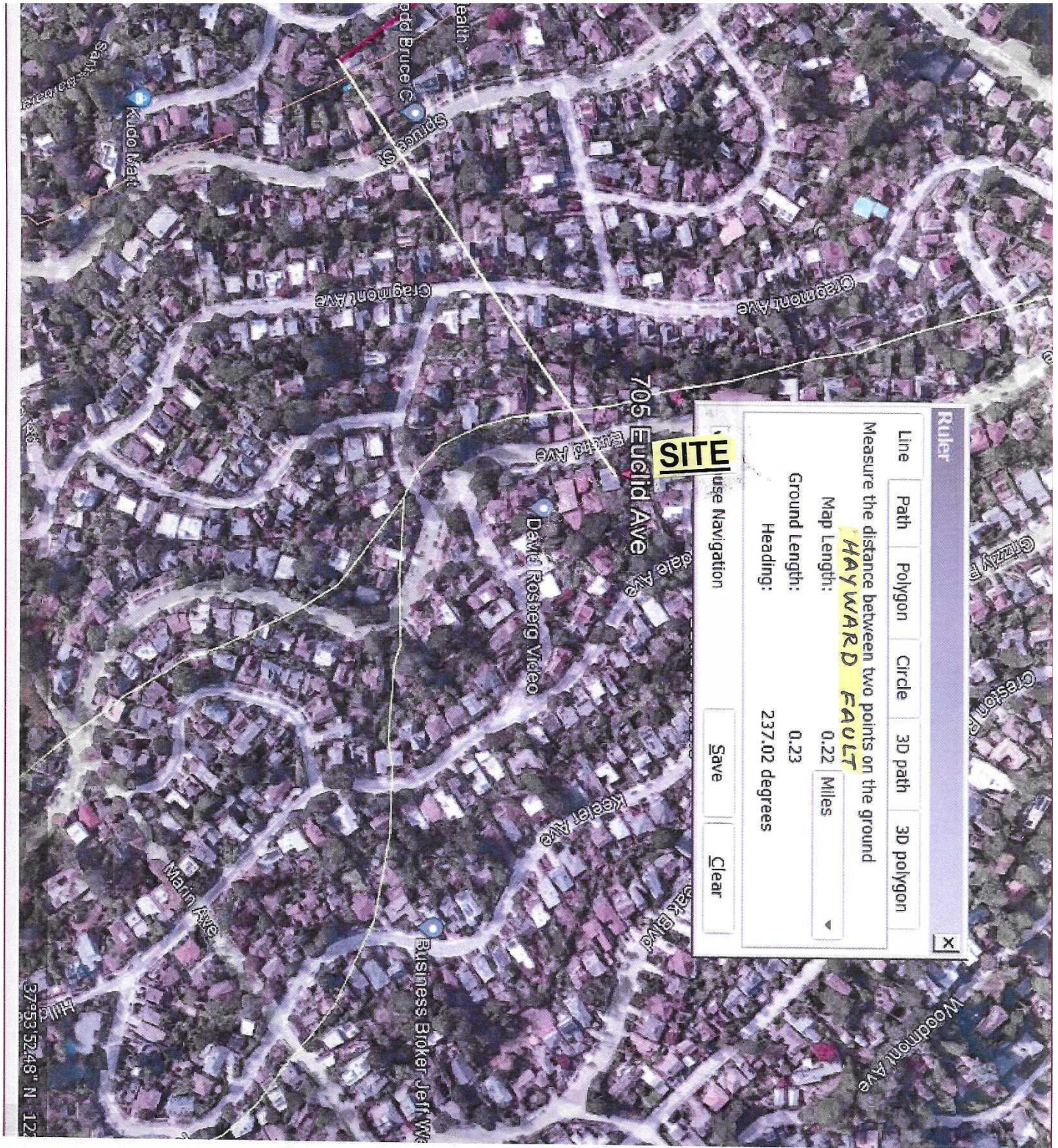
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*Cal Engineering Int. Co., Geotechnical***REFERENCES**

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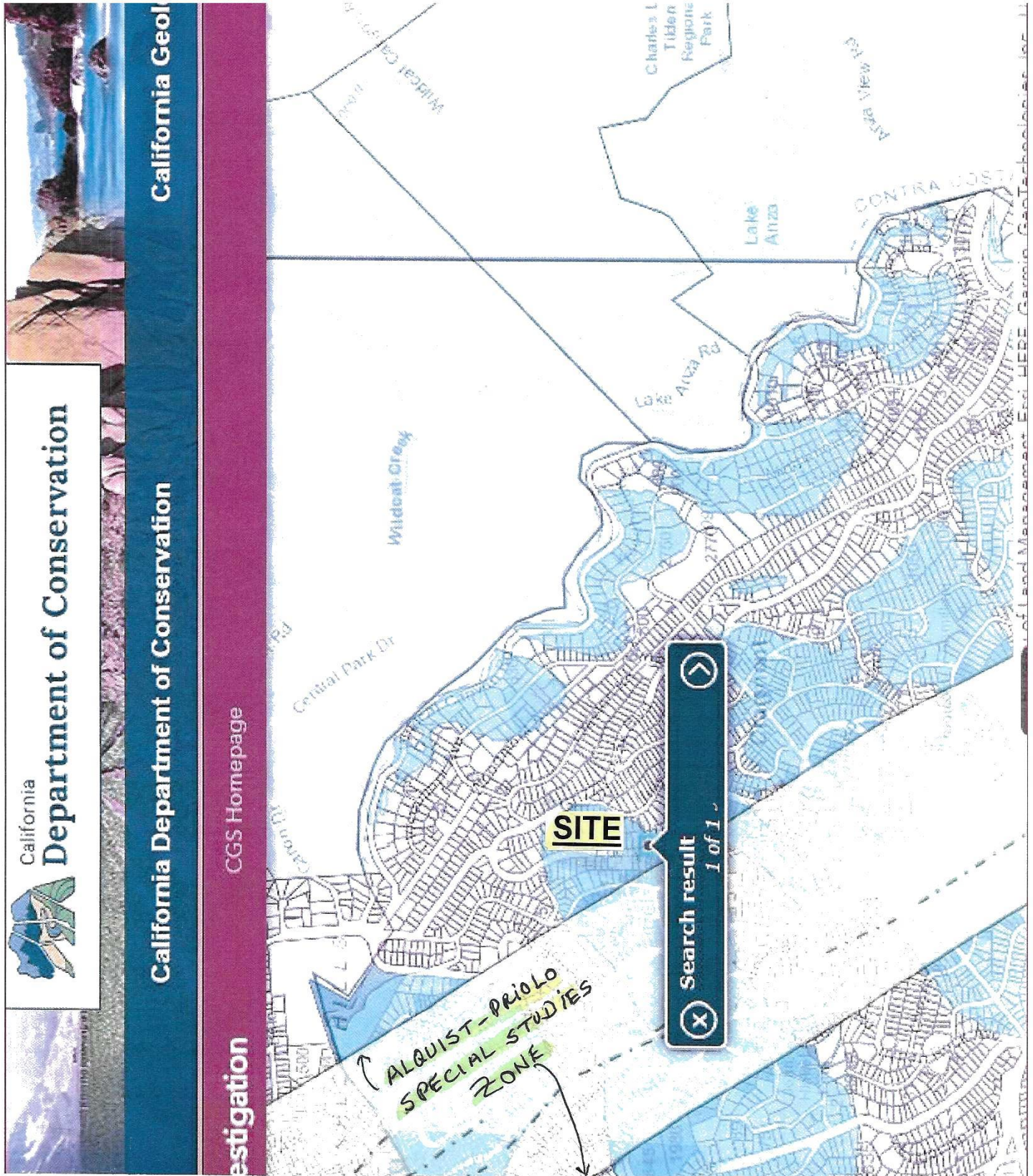
<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03022022</p>
	<p>LOCATION: 705 Euclid Ave. Berkeley, CA 94708</p>
<p>LOCATION MAP</p>	<p>DATE: 3/15/2022</p>
	<p>FIGURE: 1</p>



CAL ENGINEERING INT. CO. Geotechnical Engineers	PROJECT NO: CEICO 03022022
	LOCATION: 1517 Euclid Ave. Berkeley, CA 94708
SEISMICITY MAP 1	DATE: 2/9/2022
	FIGURE: 2



<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03022022</p>
	<p>LOCATION: 705 Euclid Ave. Berkeley, CA 94708</p>
<p>SEISMICITY MAP 2</p>	<p>DATE: 3/15/2022</p>
	<p>FIGURE: 2A</p>



<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03022022</p>
<p>SEISMICITY MAP 3</p>	<p>LOCATION: 1517 Euclid Ave. Berkeley, CA 94708</p> <p>DATE: 2/9/2022</p> <p>FIGURE: 2B</p>

3/13/22, 9:55 AM

U.S. Seismic Design Maps



705 Euclid Ave, Berkeley, CA 94708, USA

Latitude, Longitude: 37.8984593, -122.266796



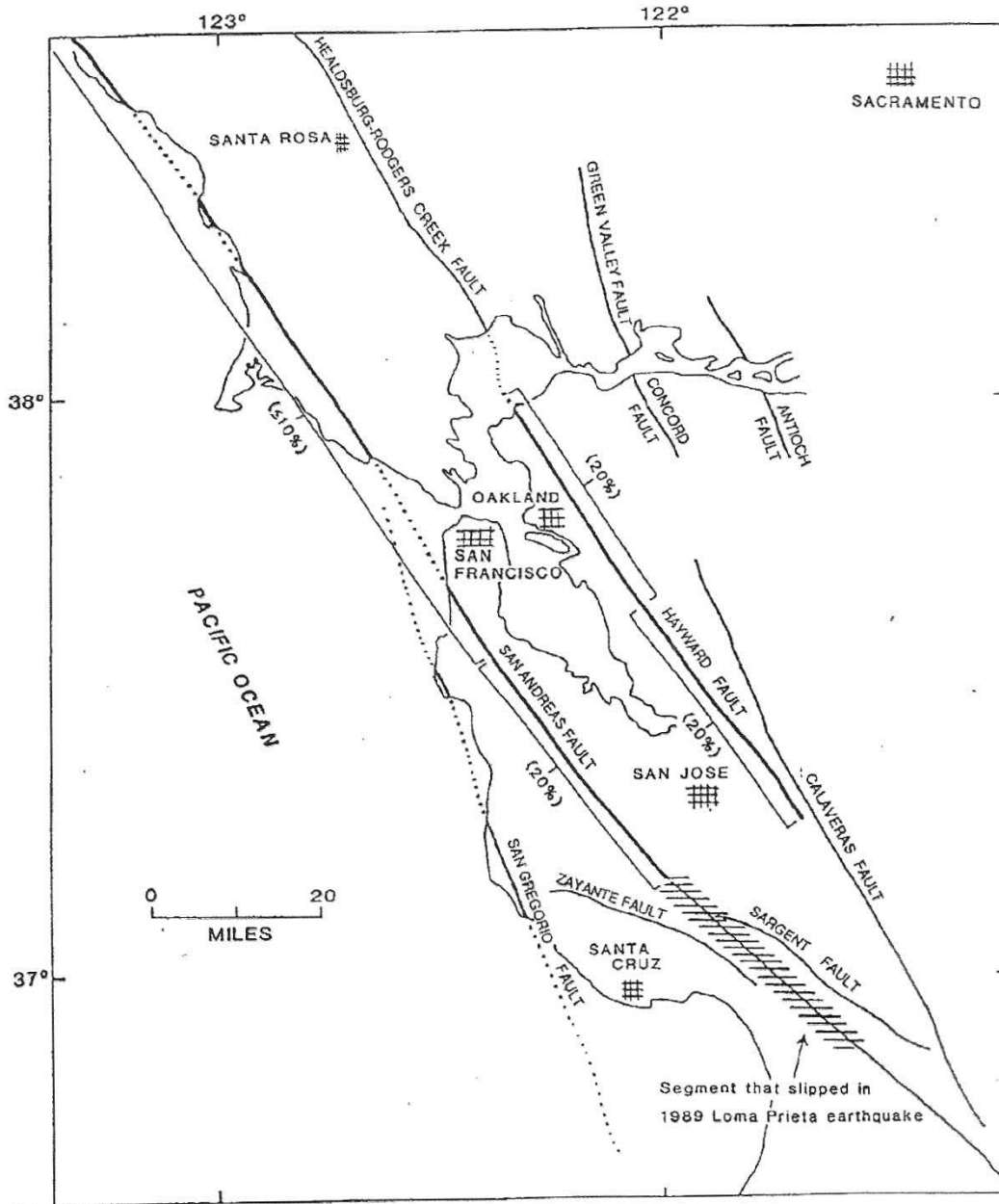
Map data ©2022

Date	3/13/2022, 8:07:42 AM
Design Code Reference Document	ASCE7-16
Risk Category	II
Site Class	D - Default (See Section 11.4.3)

Type	Value	Description
S_S	2.312	MCE_R ground motion. (for 0.2 second period)
S_1	0.891	MCE_R ground motion. (for 1.0s period)
S_{MS}	2.775	Site-modified spectral acceleration value
S_{M1}	null -See Section 11.4.8	Site-modified spectral acceleration value
S_{DS}	1.85	Numeric seismic design value at 0.2 second SA
S_{D1}	null -See Section 11.4.8	Numeric seismic design value at 1.0 second SA

Type	Value	Description
SDC	null -See Section 11.4.8	Seismic design category
F_a	1.2	Site amplification factor at 0.2 second
F_v	null -See Section 11.4.8	Site amplification factor at 1.0 second
PGA	0.971	MCE_G peak ground acceleration
F_{PGA}	1.2	Site amplification factor at PGA
PGA_M	1.165	Site modified peak ground acceleration
T_L	8	Long-period transition period in seconds
$SsRT$	2.658	Probabilistic risk-targeted ground motion. (0.2 second)
$SsUH$	2.955	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration
SsD	2.312	Factored deterministic acceleration value. (0.2 second)

<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03022022</p>
	<p>LOCATION: 705 Euclid Ave. Berkeley, CA 94708</p>
<p>SEISMIC DESIGN SPECTRUM</p>	<p>DATE: 3/15/2022</p>
	<p>FIGURE: 2C</p>

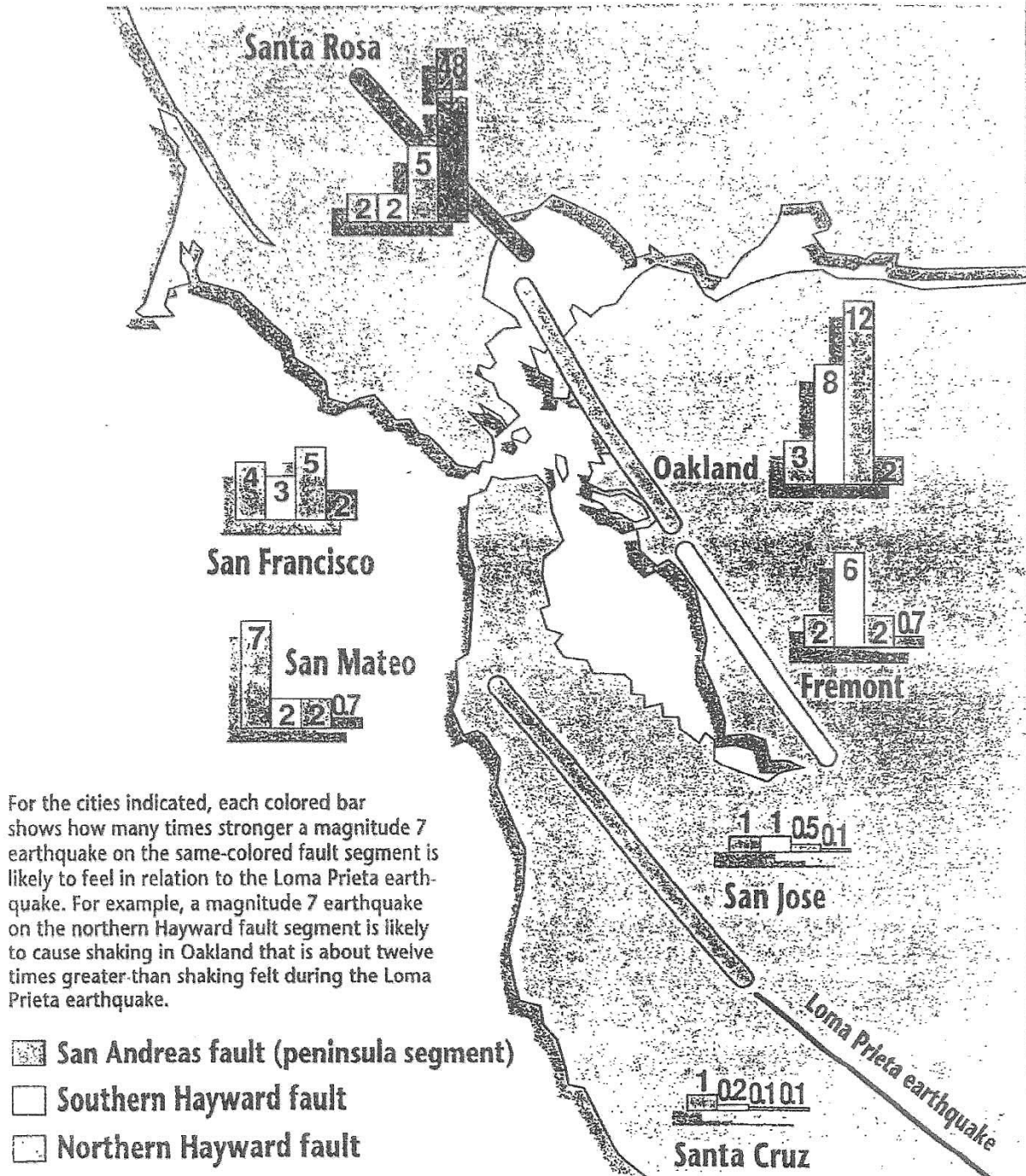


Segments of San Andreas and Hayward faults (heavy lines) showing chance of occurrence of an earthquake in the next 30 years (U.S. Geological Survey, 1988). Faults dotted where concealed.

<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 3162021</p>
	<p>LOCATION: 1517 Euclid Ave. Berkeley, CA 94708</p>
<p>SEISMICITY MAP, % OF OCCURRENCE</p>	<p>DATE: 2/9/2022</p>
	<p>FIGURE: 3</p>

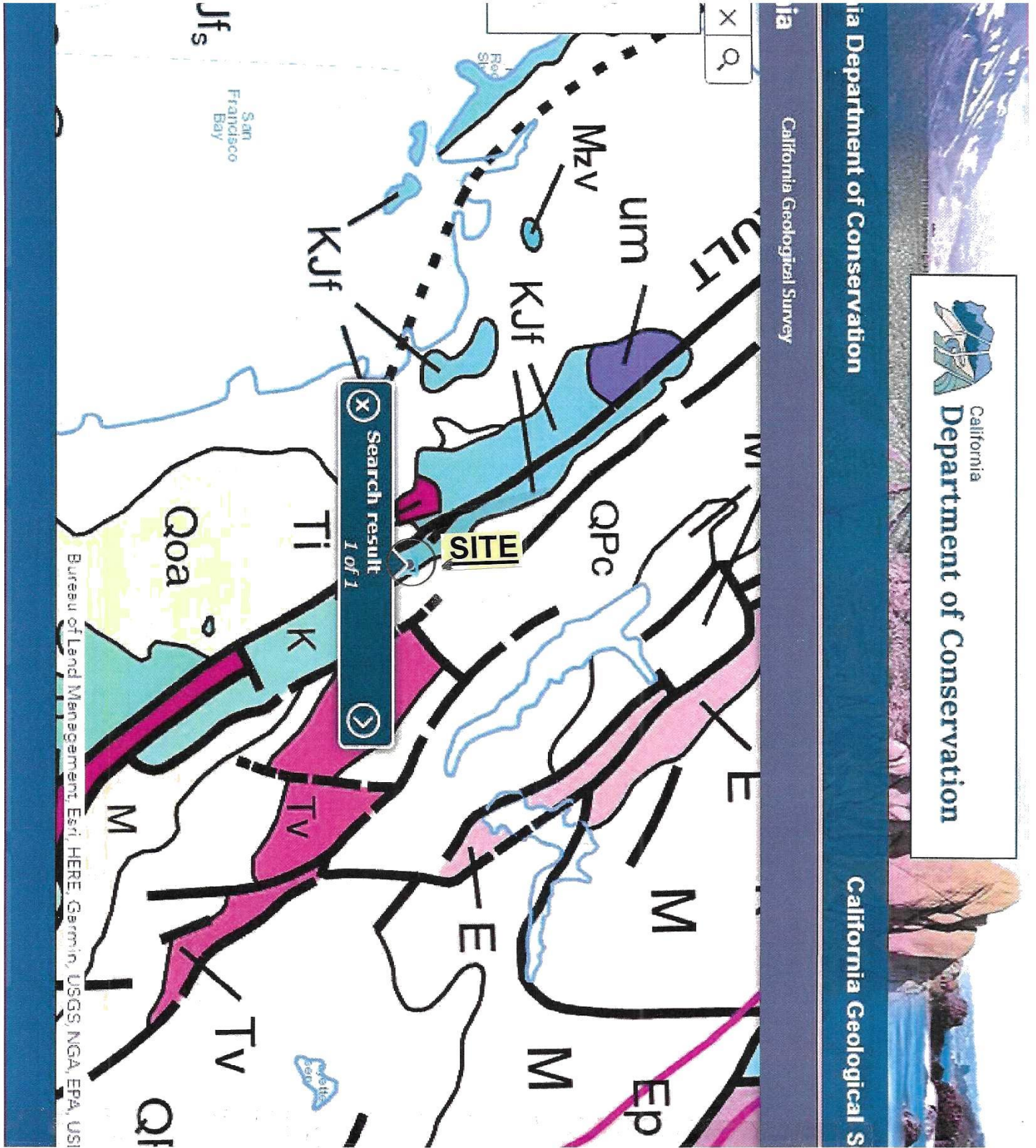
HOW MUCH THE GROUND WILL SHAKE

A Comparison with the Loma Prieta Earthquake



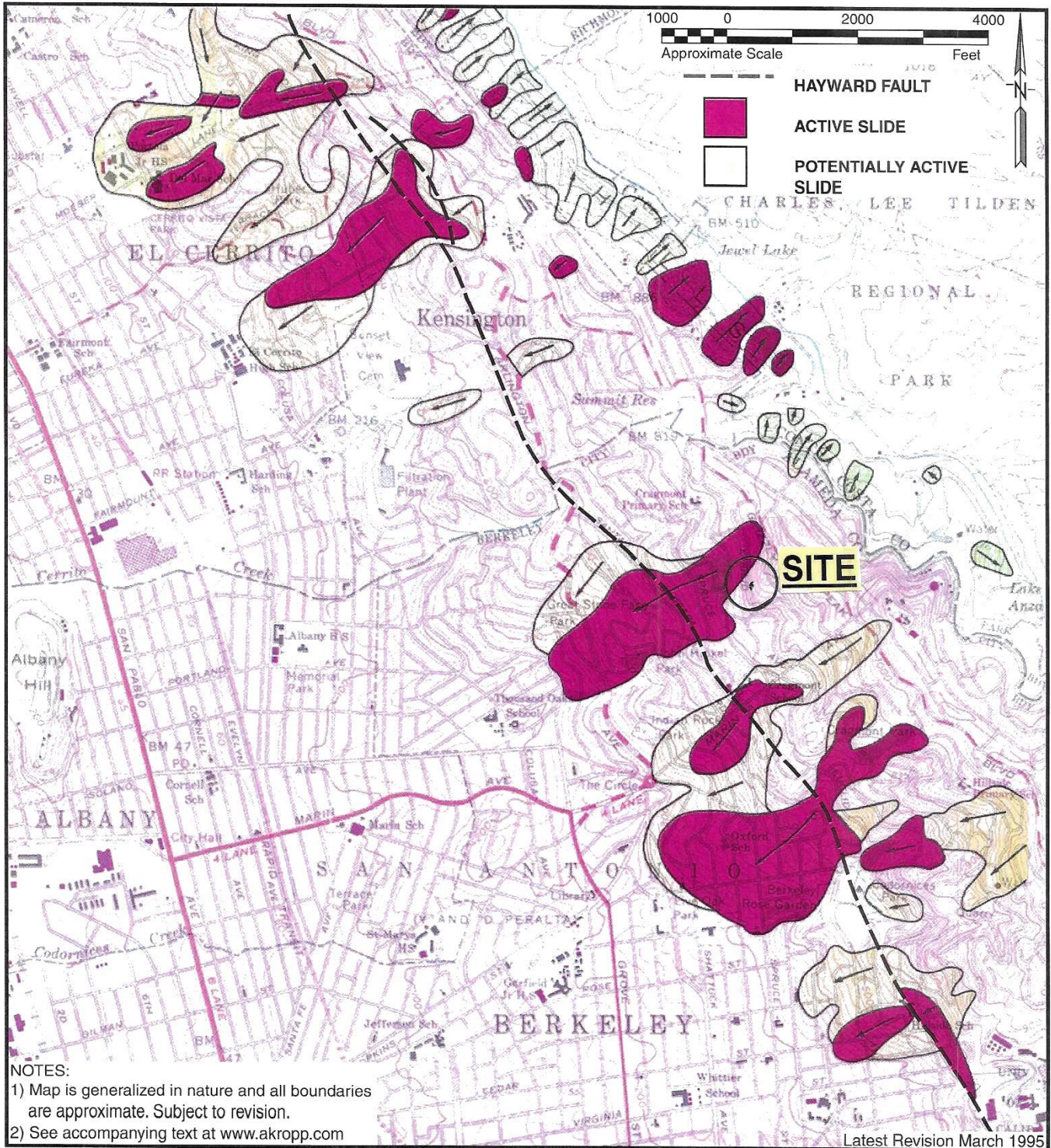
For the cities indicated, each colored bar shows how many times stronger a magnitude 7 earthquake on the same-colored fault segment is likely to feel in relation to the Loma Prieta earthquake. For example, a magnitude 7 earthquake on the northern Hayward fault segment is likely to cause shaking in Oakland that is about twelve times greater than shaking felt during the Loma Prieta earthquake.

CAL ENGINEERING INT. CO. Geotechnical Engineers	PROJECT NO: CEICO 03022022
	LOCATION: 705 Euclid Ave. Berkeley, CA 94708
SEISMICITY MAP VS. LOMA PRIETA	DATE: 3/15/2022
	FIGURE: 4

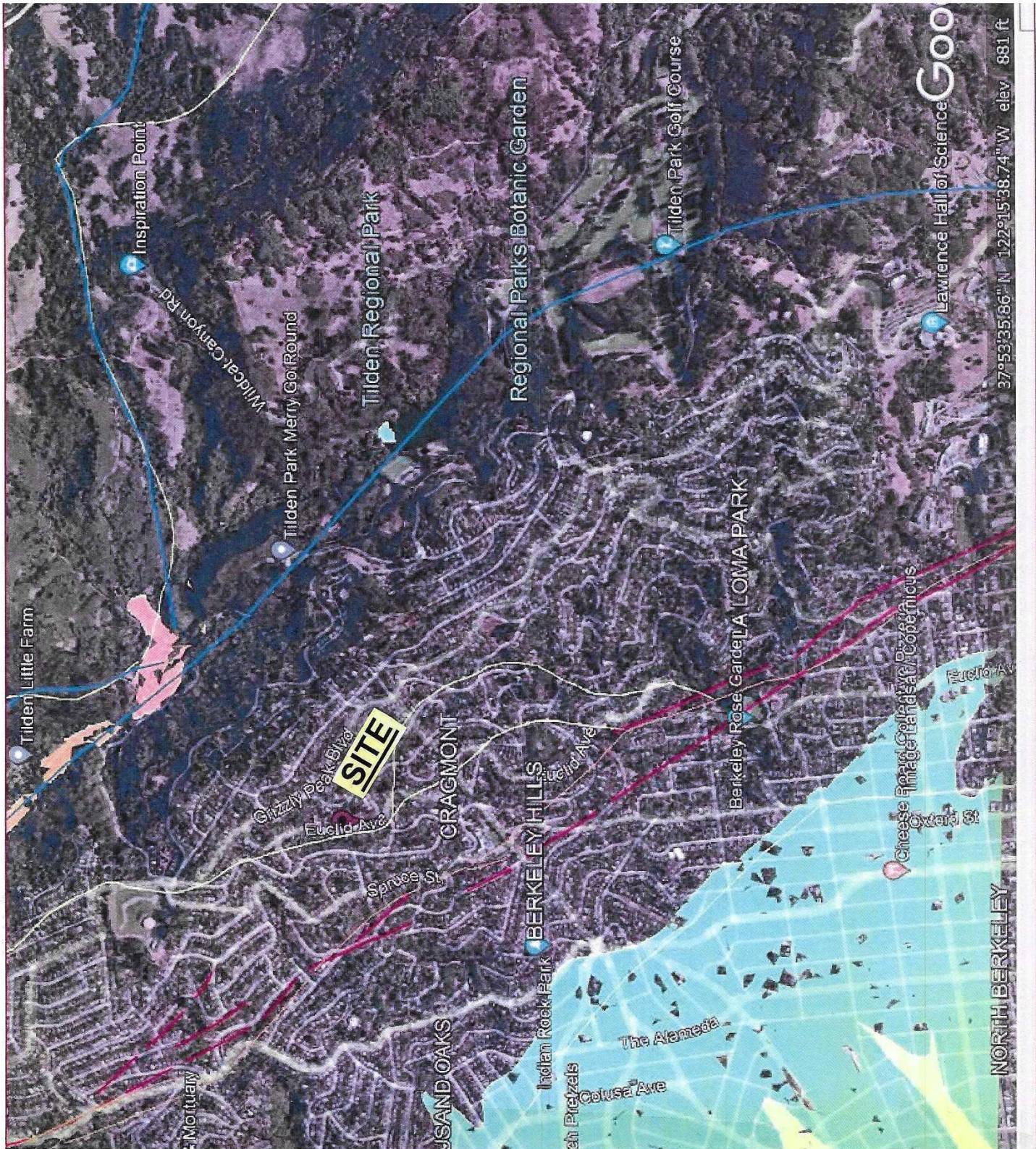


<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03022022</p>
	<p>LOCATION: 705 Euclid Ave. Berkeley, CA 94708</p>
<p>GEOLOGY MAP</p>	<p>DATE: 3/15/2022</p>
	<p>FIGURE: 5</p>

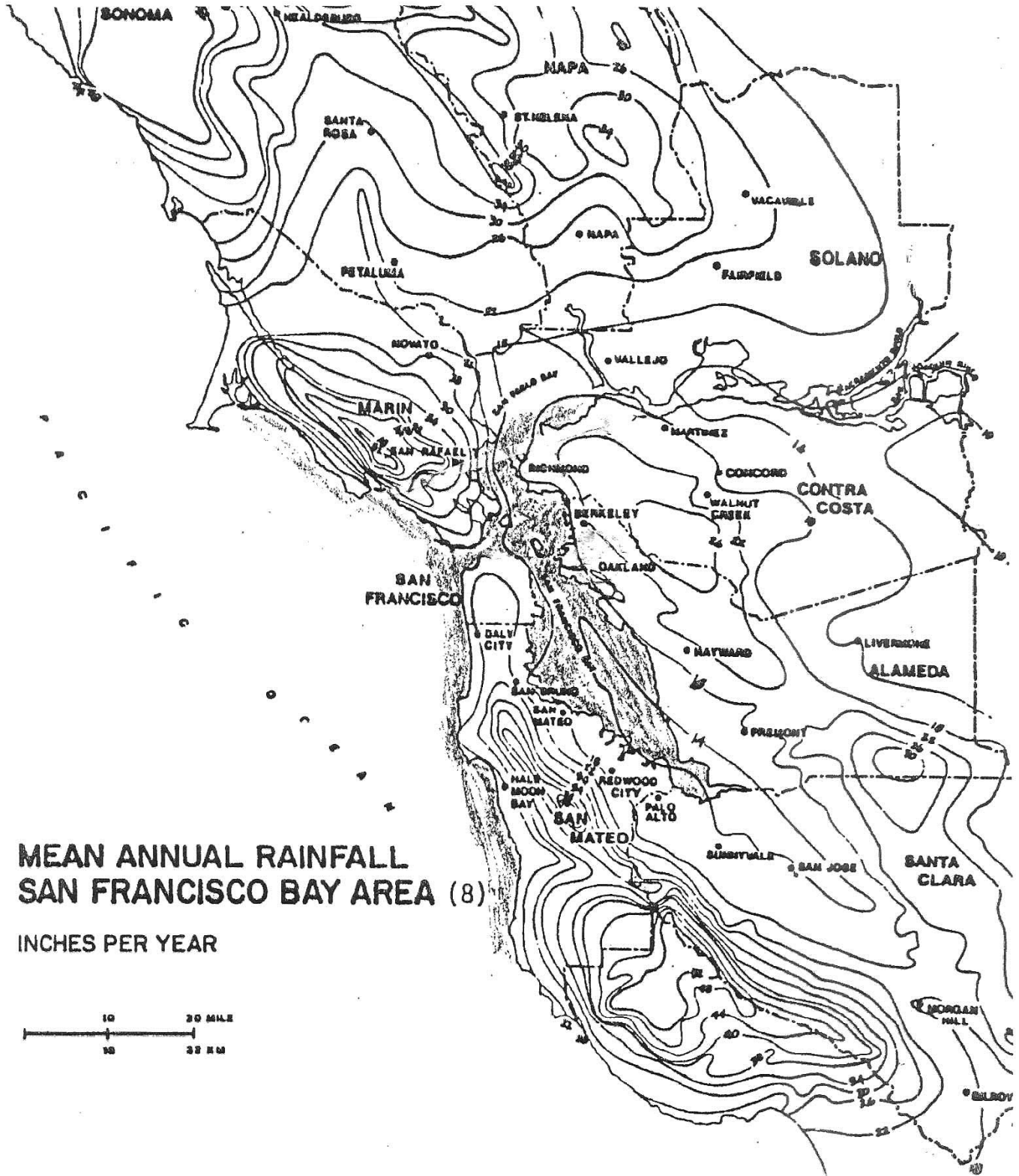
LANDSLIDES OF THE BERKELEY HILLS



<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03022022</p>
	<p>LOCATION: 705 Euclid Ave. Berkeley, CA 94708</p>
<p>LANDSLIDE OF THE BERKELEY HILLS</p>	<p>DATE: 3/15/2022</p>
	<p>FIGURE: 5A</p>



<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03022022</p>
	<p>LOCATION: 705 Euclid Ave. Berkeley, CA 94708</p>
<p>LIQUEFACTION POTENTIAL</p>	<p>DATE: 3/15/2022</p>
	<p>FIGURE: 5B</p>



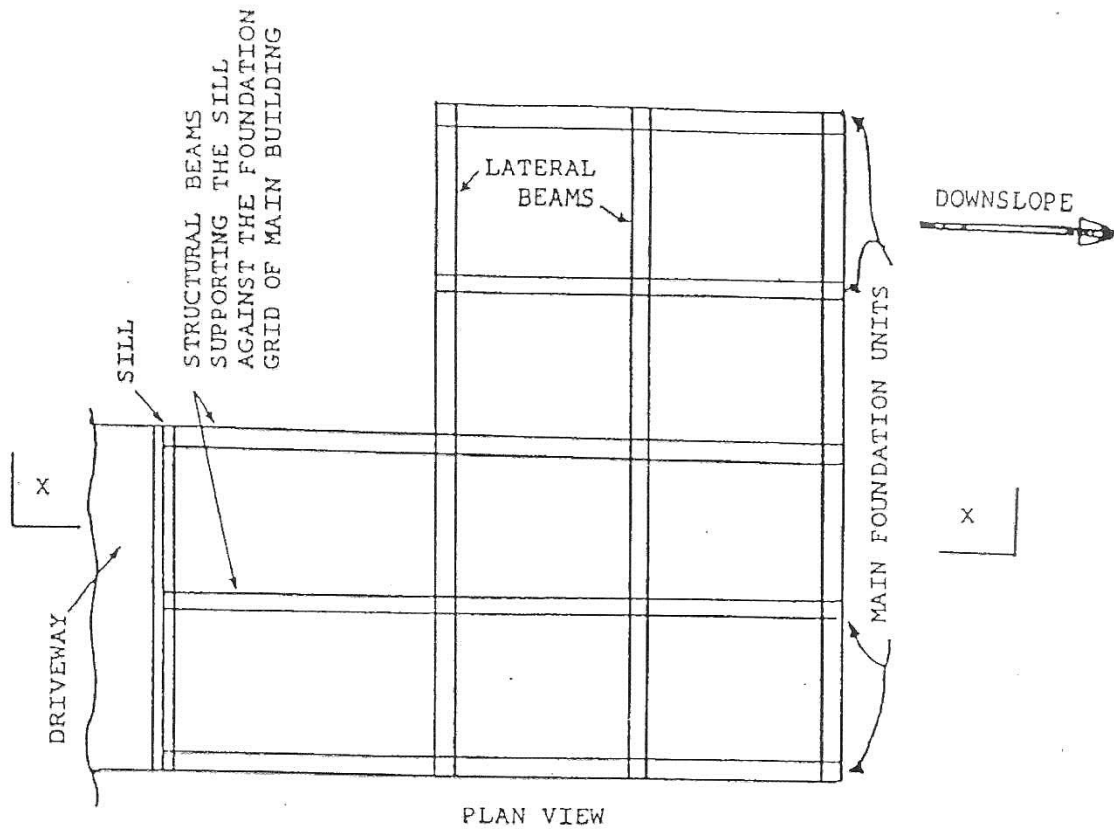
**MEAN ANNUAL RAINFALL
SAN FRANCISCO BAY AREA (8)**

INCHES PER YEAR



CAL ENGINEERING INT. CO. Geotechnical Engineers	PROJECT NO: CEICO 03022022
	LOCATION: 705 Euclid Ave. Berkeley, CA 94708
RAINFALL MAP	DATE: 3/15/2022
	FIGURE: 6

TYPICAL FOUNDATION GRID



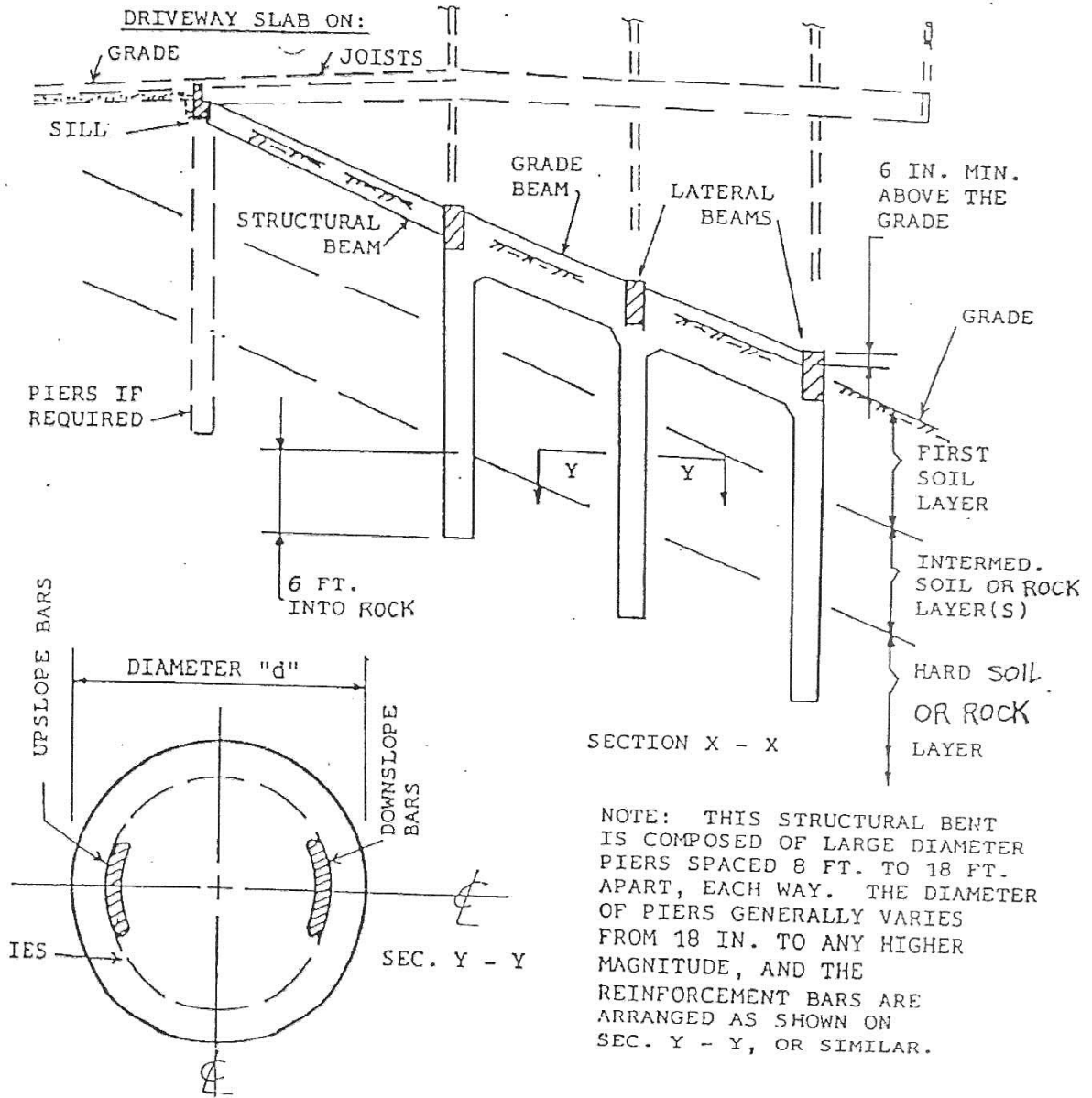
NOTE: 1) ALL FOUNDATIONS MUST BE DESIGNED BY AN EXPERIENCED FOUNDATION ENGINEER AND DATA CONTAINED IN THE SOIL REPORT MUST BE USED SO THAT THE REQUIRED SAFETY FACTORS, AS BASED ON PROBABILITY CALCULUS, CAN BE OBTAINED.

2) THE FOUNDATION GRID MUST HAVE ALL UNITS, LIKE MAIN AND LATERAL BEAMS, MONOLITHICALLY CONNECTED WITH EACH OTHER SO THAT COMPLETE BENDING MOMENTS AND SHEARING FORCES TRANSFER WILL BE OBTAINED.

3) IF PIERS ARE USED UNDER THE ABOVE FOUNDATION GRID, THEN THEY MUST ALSO BE MONOLITHICALLY CONNECTED WITH ANY OF THE BEAMS TO RESIST SEISMIC, WIND AND/OR SOIL FORCES.

<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03022022</p>
	<p>LOCATION: 705 Euclid Ave. Berkeley, CA 94708</p>
<p>TYPICAL PIER FOUNDATION PLAN</p>	<p>DATE: 3/15/2022</p>
	<p>FIGURE: 8</p>

LARGE DIAMETER PIERS



<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03022022</p>
	<p>LOCATION: 705 Euclid Ave. Berkeley, CA 94708</p>
<p>TYPICAL PIER FOUNDATION SECTIONS</p>	<p>DATE: 3/15/2022</p>
	<p>FIGURE: 9</p>

PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS			
COARSE GRAINED SOILS MORE THAN HALF OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	GRAVELS - MORE THAN HALF OF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN GRAVELS (LESS THAN 5% FINES)	GW	Well graded gravels, gravel-sand mixtures, little or no fines			
		GRAVEL WITH FINES	GP	Poorly graded gravels or gravel-sand mixtures, little or no fines			
		SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS (LESS THAN 5% FINES)	GM	Silty gravels, gravel-sand mixtures, non-plastic fines.		
			SANDS WITH FINES	GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.		
	FINE GRAINED SOILS MORE THAN HALF OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	SILTS AND CLAYS LIQUID LIMIT IS LESS THAN 50%	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	SW	Well graded sands, gravelly sands, little or no fines.		
				SP	Poorly graded sands or gravelly sands, little or no fines.		
		SILTS AND CLAYS LIQUID LIMIT IS GREATER THAN 50%	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	SM	Silty sands, sand-silt mixtures, non-plastic fines.		
				SC	Clayey sands, sand-clay mixtures, plastic fines.		
HIGHLY ORGANIC SOILS	SILTS AND CLAYS LIQUID LIMIT IS LESS THAN 50%	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.			
			CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.			
			OL	Organic silts and organic silty clays of low plasticity.			
	SILTS AND CLAYS LIQUID LIMIT IS GREATER THAN 50%	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty silts, plastic silts.			
			CH	Inorganic clays of high plasticity, fat clays.			
			OH	Organic clays of medium to high plasticity, organic silts.			
HIGHLY ORGANIC SOILS			Pt	Peat and other highly organic soils.			
DEFINITION OF TERMS							
U.S. STANDARD SERIES SIEVE CLEAR SQUARE SIEVE OPENINGS							
200 40 10 4 3/4" 3" 12"							
SILTS AND CLAYS	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		
GRAIN SIZES							
SANDS AND GRAVELS		BLOWS/FOOT †	SILTS AND CLAYS		STRENGTH ‡	BLOWS/FOOT †	
VERY LOOSE		0 - 4	VERY SOFT	0 - 1/4		0 - 2	
LOOSE		4 - 10	SOFT	1/4 - 1/2		2 - 4	
MEDIUM DENSE		10 - 30	FIRM	1/2 - 1		4 - 8	
DENSE		30 - 50	STIFF	1 - 2		8 - 16	
VERY DENSE		OVER 50	VERY STIFF	2 - 4		16 - 32	
			HARD	OVER 4		OVER 32	
RELATIVE DENSITY			CONSISTENCY				
† Number of blows of 140 pound hammer falling 30 inches to drive a 2 inch O.D. (1-3/8 inch I.D.) split spoon (ASTM D-1586). ‡ Unconfined compressive strength in tons/sq. ft. as determined by laboratory testing or approximated by the standard penetration test (ASTM D-1586), pocket penetrometer, torvane, or visual observation.							

CAL ENGINEERING INT. CO. Geotechnical Engineers	PROJECT NO: CEICO 03022022
	LOCATION: 705 Euclid Ave. Berkeley, CA 94708
KEY TO EXPLATORY BORING LOGS	DATE: 3/15/2022
	FIGURE: 10

CEICO 03022022

*Cal Engineering Int. Co., Geotechnical***FIELD EXPLORATION & LABORATORY TESTING DATA****BORING & SAMPLING**

The site investigation-boring program was made using the services of Access Soil Drilling Inc. of San Mateo, CA.

Equipment: Minuteman Drilling and Sampling.

Samplers: Standard penetration Split Barrel Sampler 1 3/8" ID, 2" OD

Split Barrel Sampler (Modified California Sampler) 2" ID, 2 1/2" OD

Sampling Method: 140 pound hammer, 30" drop, motorized Cathead Winch

Samples: 2.5" Sampler in 6" Stainless Steel Liners

Penetration: N, number of blows per foot based on SPT, 140 # hammer and 30 "drop

LABORATORY TESTING

Performed by Toscano Testing, Oakland, CA

The total number of samples: 15

The samples were extracted from the 6" long 2 1/2" Diameter Stainless Steel Liners.

Water Content was analyzed and calculated for all the samples.

The boring logs show the water content as a percentage of the sample weight.

Note:

No water table / ground water was present in boreholes 1 or 2 at the time of investigation.

CAL ENGINEERING INT. CO. Geotechnical Engineers	PROJECT NO: CEICO 03022022
	LOCATION: 705 Euclid Ave. Berkeley, CA 94708
FIELD EXPLORATION & LABORATORY TESTING DATA	DATE: 3/15/2022
	FIGURE: 11

Drilled : March 01, 2022

BORING EA-1

DESCRIPTION	DEPTH FEET	USCS Symbol	SAMPLE NUMBER	N BLOWS PER FOOT	qu TSF	MOISTURE CONTENT %	DRY DENSITY PCF	NOTES
Dark brown silty sandy clay with rocks, firm	1	CL	1-1	4		10.1	92.8	Sieve Analysis
	2			5				
Tan brown silty sand with rocks, medium dense	3	SM	1-2	14	1.5	9.4	107.1	
	4			17				
Tan brown silty sand with rocks, dense	5	SM	1-3	31	4	11.5	87	
	6			43				
Tan brown silty sand with rocks, very dense	7	SM	1-4	53	4	13.6	85	
	8			64				
Tan brown silty sand with rocks, very dense	9	SM	1-5	81	4	8	94.4	
	10			74				
Practical reusal @ 10'								
Sieve Analysis EA-1-5@10'								
Passing No 30 33.20%								
Passing No 50 24.43%								
Passing No 100 17.15%								
Passing No 200 12.92%								
Note: No water table								

CAL ENGINEERING INT. CO. Geotechnical Engineers	PROJECT NO: CEICO 03012022
	LOCATION: 705 Euclid Ave. Berkeley, CA 94708
BORING LOG EA-1	DATE: March 12 2022
	FIGURE: 12

Drilled : March 01, 2022

BORING EA-3

DESCRIPTION	DEPTH FEET	USCS Symbol	SAMPLE NUMBER	N BLOWS PER FOOT	qu TSF	MOISTURE CONTENT %	DRY DENSITY PCF	NOTES
Dark brown silty sandy clay with rocks, firm	1	CL	3-1	4		11.1	91.3	Atterberg Limits
	2			7				
Tan yellow silty sandy clay with rocks, stiff	3	CL	3-2	7	1.5	18.2	98.8	
	4			12				
Green brown silty sand with rocks, medium dense	5	SM	3-3	14	2	14.4	92.7	
	6			24				
Green brown silty sand with rocks, dense	7	SM	3-4	32	4	12.5	84.9	
	8			32				
	9			39				
	10			49				
Green brown silty sand with rocks, very dense	11	SM	3-5	57	4	14	94.9	
	12			48				
	13			44				
	14			51				
	15			85				
15.5	62							
Practical refusal @ 15.5'								
Atterberg Limits EA-3-2@4'								
Liquid Limit	31.75							
Plastic Limit	21.34							
Plasticity Index	10.41							
Note: No water table								

<p>CAL ENGINEERING INT. CO. Geotechnical Engineers</p>	<p>PROJECT NO: CEICO 03012022</p>
	<p>LOCATION: 705 Euclid Ave. Berkeley, CA 94708</p>
<p>BORING LOG EA-3</p>	<p>DATE: March 12 2022</p>
	<p>FIGURE: 14</p>

		TOSCANO TESTING	
		ATTERBERG LIMITS TEST DATA SHEET	
LIQUID LIMIT		PLASTIC LIMIT	
Sample no.			
Container No.			
No. of blows			
Con.+ wt samp.			
Con+dry samp			
Wt of water			
Wt of Con			
Wt of dry soil			
Water content			
Sample No.	3-1-7		
Container No.	A		P
No. of blows	10		
Con.+ wt samp.	42.67	40.98	37.28
Con+dry samp	17.98	17.98	17.98
Wt of water	4.61	4.61	4.61
Wt of Con	15.64	15.64	15.64
Wt of dry soil	21.60	21.60	21.60
Water content	21.34	21.34	21.34

JOB NAME 705 EUCLID

JOB NO.

DATE 3/15/22

TESTED BY

SUMMARY

Sample No.

Desc.

Hydrometer

Liquid limit

Plastic limit

Plas. index

Sample No.

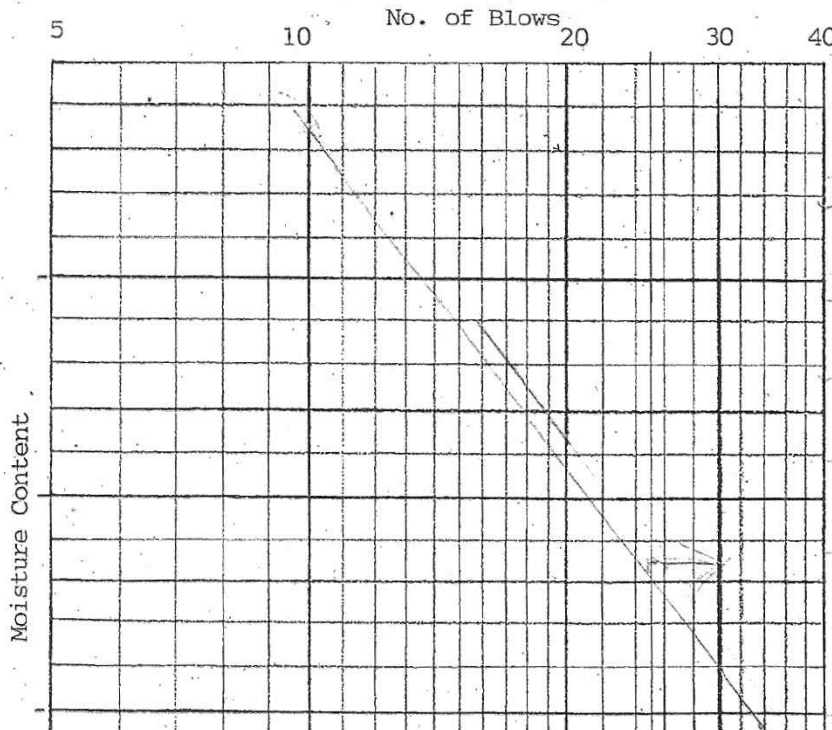
Desc.

Hydrometer

Liquid limit

Plastic limit

Plas. index



CAL ENGINEERING INT. CO. Geotechnical Engineers	PROJECT NO: CEICO 03022022
	LOCATION: 705 Euclid Ave. Berkeley, CA 94708
LAB SHEET ATTERBERG LIMITS TEST DATA	DATE: 3/15/2022
	FIGURE: 15

GRAIN SIZE DISTRIBUTION

NAME: 705 EUCLID SAMPLE NO. 1-5-10
 DATE: 2/2/22 TESTED BY: _____
 DESCRIPTION OF SAMPLE: TAN BROWN SILTY SAND

Air Dry Soil Retd. On No. 10 Sieve - GM Wt. Air Dry Soil Passing No. 10 Sieve -
 Oven Dry Soil Retd. On No. 10 Sieve - GM Hygroscopic Water Content -
 Oven Dry Soil Retd. On No. 10 Sieve After Washing - GM Wt. Oven Dry Soil Passing No. 10 Sieve -
 Fines Lost By Washing - GM Total Wt. Dry Soil Passing No. 10 Sieve -
 Total Weight Of Dry Soil Used In Test GM

COARSE SIEVE ANALYSIS

Sieve Size	Cumulative Wt. Of Sample Retained On Sieve	% Retained	% Passing
2"			
1-1/2"			
1"			
3/4"	26.45	8.16	91.84
1/2"	43.85	13.53	86.47
3/8"	55.25	17.78	82.22
No. 4	74.60	27.95	72.05
No. 8	134.85	41.62	58.38
No. 16	181.45	56.31	43.69

FINES SIEVE ANALYSIS

Wt. Of Air Dry Sample Used For Fine Sieve Analysis -
 Wt. Of Oven Dry Sample Used For Fine Sieve Analysis -

Sieve Size	Wt. Of Sample Retained On Sieve	% Retained	% Of Sample Passing	Percent Of Soil Pass (Previous Column Mul)
No. 30	24.92	216.42	66.70	33.20
No. 50	28.42	246.94	75.57	24.43
No. 100	23.60	208.44	57.85	17.15
No. 200	3.70	29.14	87.03	12.92
PAN				

REMARKS:

Moist Weight - Tare = _____ Washed Dry Weight - Tare = 291.14
 Oven Dry Weight Tare = _____ Tare = _____
 Tare = _____ Washed Dry Weight = _____
 Moisture Content = 3.12
 Oven Dry Weight = 274.02

CAL ENGINEERING INT. CO. Geotechnical Engineers	PROJECT NO: CEICO 03022022
	LOCATION: 705 Euclid Ave. Berkeley, CA 94708
LAB SHEET SIEVE ANALYSIS GRAIN SIZE DISTRIBUTION	DATE: 3/15/2022
	FIGURE: 16

Job Name 705 EUCLID Job# _____
 Sample # 22-4 Tested By _____ Date 2-2-22
 Sample Description DISTURBED SUBGRADE

(1) Percent of Sample Passing #4 Sieve 100%

SAMPLE MOISTURE CONTENT DETERMINATION		HYDROMETER TEST SAMPLE WEIGHTS	
(2) Wt. of Air Dry Soil + Tare	<u>50</u> gm	(8) Wt. of Air Dry Soil for Test	<u>50</u> gm
(3) Wt. of Dried Soil + Tare	<u>14.91</u> gm	(9) Wt. of Dried Soil for Test = (8) / [1.0 + (7)]	<u>44.44</u> gm
(4) Tare	_____ gm	(10) Wt. of Dried Soil Retained on #200 Sieve	<u>27.30</u> gm
(5) Wt. of Water in Soil = (2) - (3)	<u>5.56</u> gm	(11) Wt. of Dried Soil Passing #200 Sieve = (9) - (10)	<u>62.78</u> gm
(6) Wt. of Dried Soil = (3) - (4)	<u>14.91</u> gm	(12) % Dried Soil Passing #200 Sieve = [(11) / (9)] * 100	<u>18.34</u> %
(7) Soil Moisture Content = [(5) / (6)] * 100	<u>12.50</u> %	(13) % Total Sample Passing #200 Sieve = (1) * (12)	<u>18.34</u> %

HYDROMETER READINGS

Time at Beginning of Test _____

(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)
Date	Temp °C	Time	Elapsed Time Hours	Hydrom. Reading	Correction to Hydrom. Reading	Correct Hydrom. Reading = (18) - (19)	% Finer than D = (20)/(9)	% Finer than D in Total = (20) * (1)	D mm.
			<u>1/40</u>	<u>21.0</u>	<u>0.0</u>	<u>14.0</u>	<u>31.50</u>	<u>31.50</u>	
			<u>1</u>	<u>16.0</u>	<u>6.5</u>	<u>9.5</u>	<u>21.38</u>	<u>21.38</u>	<u>0.005</u>
			<u>2</u>	<u>11.0</u>	<u>6.5</u>	<u>4.5</u>	<u>10.13</u>	<u>10.13</u>	<u>0.002</u>
			<u>24</u>	<u>9.0</u>	<u>6.0</u>	<u>3.0</u>	<u>6.75</u>	<u>6.75</u>	<u>0.001</u>

(24) Percent Sand = 100.0 - (13) 81.66 %
 (25) Percent Clay = (22) for D = 0.002 mm. 10.13 %
 (26) Percent Silt = 100.0 - [(24) + (25)] 8.21 %
 (27) Percent Colloids = (22) for D = 0.001 mm. 6.75 %

CAL ENGINEERING INT. CO. Geotechnical Engineers	PROJECT NO: CEICO 03022022
	LOCATION: 705 Euclid Ave. Berkeley, CA 94708
LAB SHEET HYDROMETER ANALYSIS	DATE: 3/15/2022
	FIGURE: 17

APPENDIX AGUIDE SPECIFICATIONS SUBSURFACE DRAINS**A. DESCRIPTION**

Underdrains consisting of perforated Orangeburg drain pipe, or perforated galvanized corrugated metal pipe shall be installed as shown on the plans and in accordance with these specifications, unless otherwise specified by the Engineer.

B. MANUFACTURE

Underdrains shall be manufactured in accordance with the following requirements:

- 1) Perforated corrugated metal pipe shall conform to the AASHTO Designation M136.
- 2) Perforated Orangeburg pipe shall conform to the Federal Specification SS-P-356.

C. FILTER MATERIAL

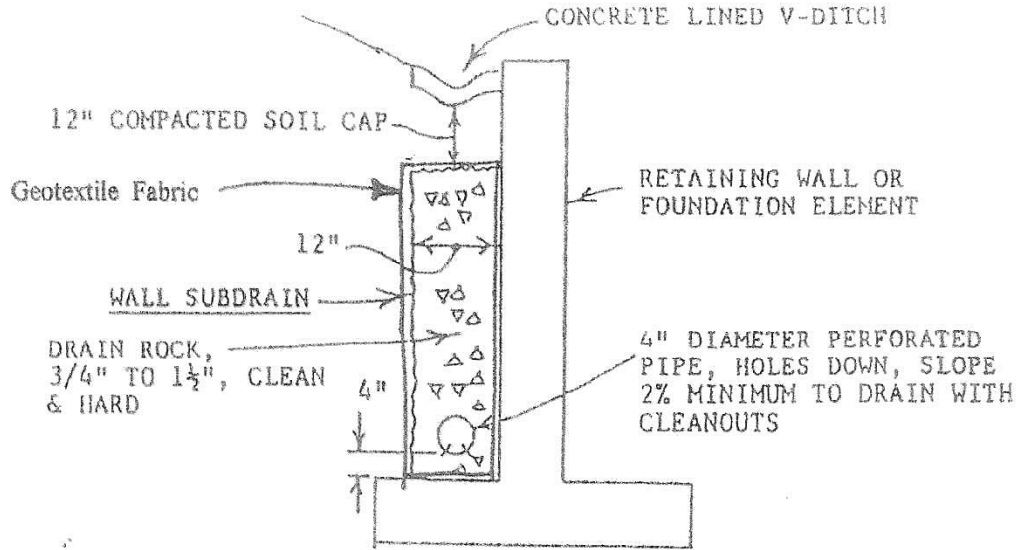
Filter material for use in backfilling excavations around and over subdrains shall consist of clean coarse sand and gravel or crushed stone conforming to the following grading requirements:

<u>Sieve Size</u>	<u>Percentage Passing Sieves</u>
2 in.	99-100 percent
3/4	70-100
3/8	40-100
No. 4	25-50
No. 8	15-35
No. 30	5-18
No. 50	0-10
No. 200	0- 3

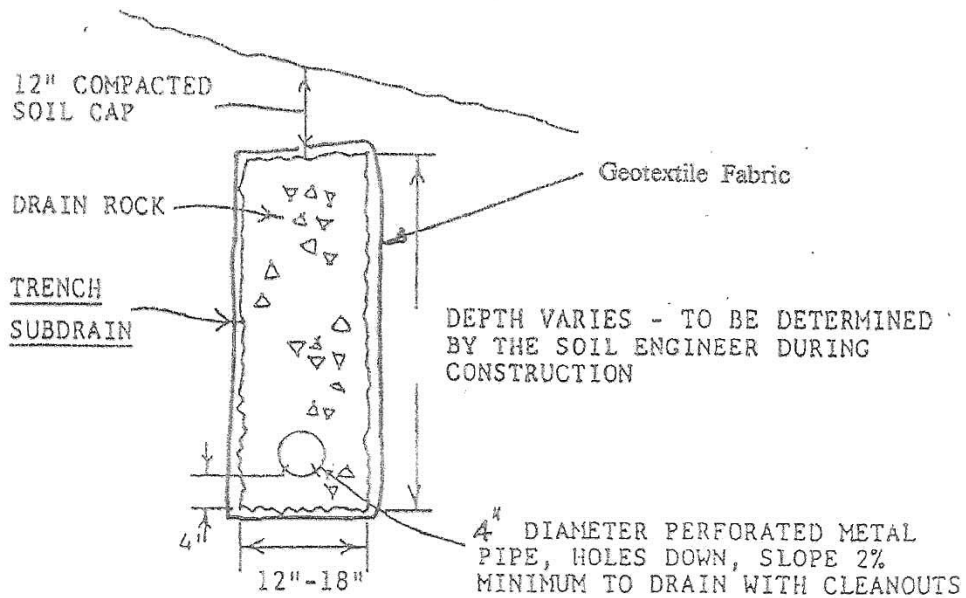
D. PLACING

The walls shall be backfilled with filter material to the elevations shown on the plans, or as directed by the Engineer. It will probably be necessary to place this rock as the rest of the backfill is being placed. The filter rock shall then be covered with a layer of building paper or plastic. The upper portion of the excavation shall then be backfilled with an impervious soil which shall be compacted.

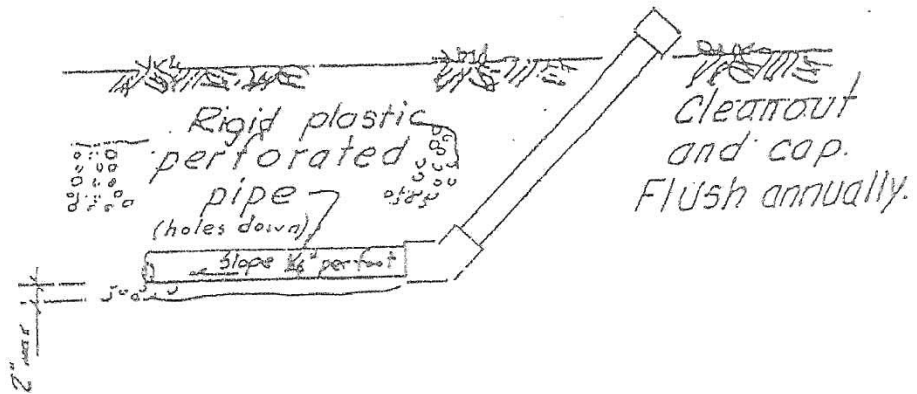
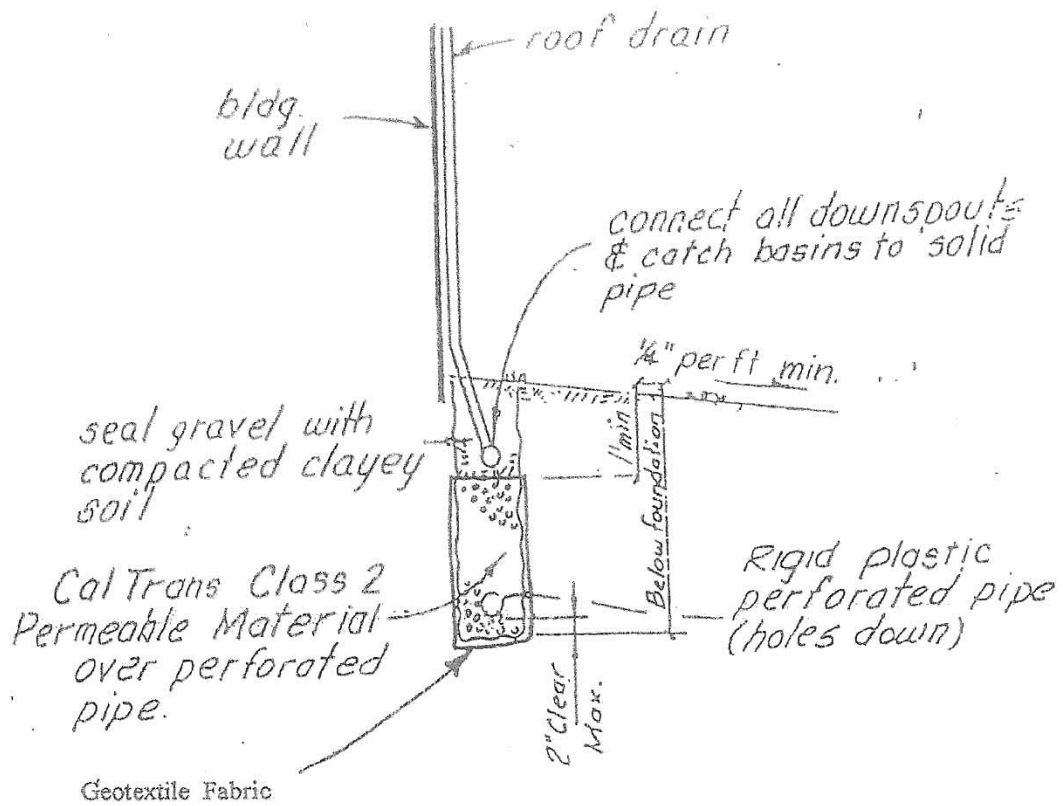
Cal Engineering Int. Co., Geotechnical Engineers



ALL SUBDRAIN & V-DITCH WATERS SHOULD BE COLLECTED IN CLOSED PIPES WITH PERIODIC CLEANOUTS & DISCHARGED INTO THE AREA STORM DRAIN SYSTEM



TYPICAL DRAINAGE DETAILS



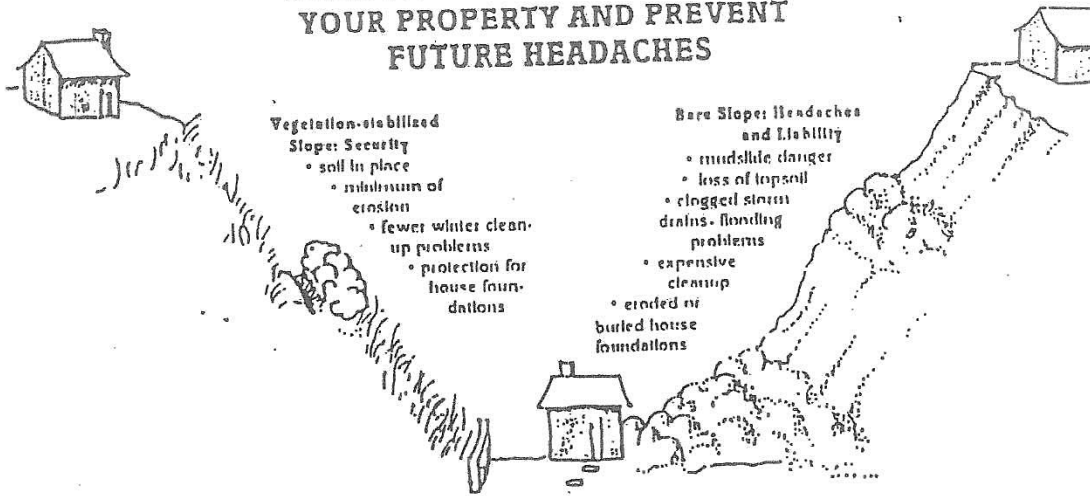
TYPICAL DRAINAGE DETAILS

Cal Engineering Int. Co., Geotechnical Engineers

APPENDIX B

VEGETATION AND EROSION CONTROL

EROSION CONTROL CAN PROTECT YOUR PROPERTY AND PREVENT FUTURE HEADACHES

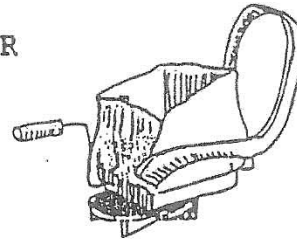


TIPS FOR THE HOMEOWNER



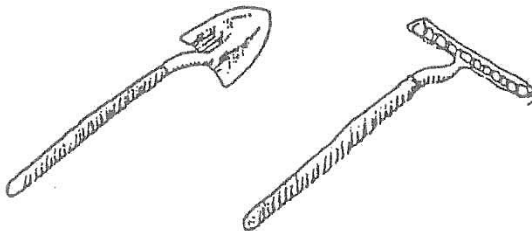
"Winterize" your property by mid-September. Don't wait until spring to put in landscaping. You need winter protection. Final landscaping can be done later.

Inexpensive measures installed by fall will give you protection quickly that will last all during the wet season.



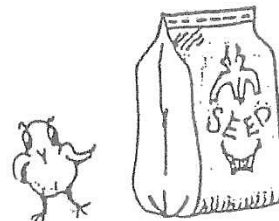
Seeding of bare slopes

- Hand broadcast or use a "broadcast seeder." A typical yard can be done in less than an hour.
- Give seeds a boost with fertilizer.
- Mulch if you can, with grass clippings and leaves, bark chips or straw.
- Use netting to hold soil and seeds on steep slopes.
- Check with your local nursery for advice.



In one afternoon you can:

- Dig trenches to drain surface runoff water away from problem areas such as steep, bare slopes.
- Prepare bare areas on slopes for seeding by raking the surface to loosen and roughen soil so it will hold seeds.

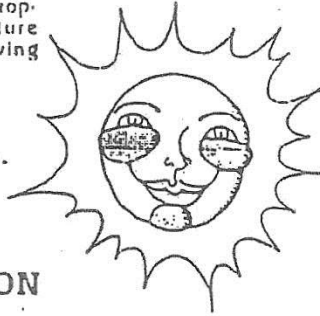


Winter alert

- Check before storms to see that drains and ditches are not clogged by leaves and rubble.
- Check after major storms to be sure drains are clear and vegetation is holding on slopes. Repair as necessary.
- Spot seed any bare areas.

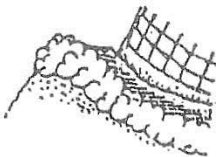
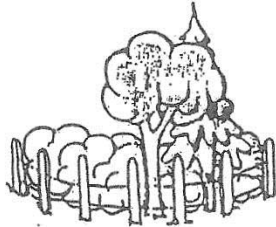
WHAT YOU CAN DO TO CONTROL EROSION AND PROTECT YOUR PROPERTY

You can protect your property and prevent future headaches by following these guidelines:



BEFORE AND DURING CONSTRUCTION

- Plan construction activities during spring and summer, so that erosion control measures can be in place when the rain comes.
- Examine your site carefully before building. Be aware of the slope, drainage patterns and soil types. Proper site design will help you avoid expensive stabilization work.
- Preserve existing vegetation as much as possible. Limit grading and plant removal to the areas under current construction. (Vegetation will naturally curb erosion, improve the appearance and the value of your property, and reduce the cost of landscaping later.)
- Use fencing to protect plants from fill material and traffic. If you have to pave near trees, do so with permeable asphalt or porous paving blocks.
- Preserve the natural contours of the land and disturb the earth as little as possible. Limit the time in which graded areas are exposed.



- Minimize the length and steepness of slopes by benching, terracing, or constructing diversion structures. Landscape benched areas to stabilize the slope and improve its appearance.
- As soon as possible after grading a site, plant vegetation

on all areas that are not to be paved or otherwise covered.



- Control dust on graded areas by sprinkling with water, restricting traffic to certain routes, and paving or graveling access roads and driveways.

TEMPORARY MEASURES TO STABILIZE THE SOIL



Grass provides the cheapest and most effective short-term erosion control. It grows quickly and covers the ground completely. To find the best seed mixtures and plants for your area, check with your local nursery, the U.S. Department of Agriculture Soil Conservation Service, or the University of California Cooperative Extension.

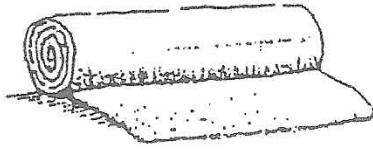
Mulches hold soil moisture and provide ground protection from rain damage. They also provide a favorable environment for starting and growing plants. Easy-to-obtain mulches are grass clippings, leaves, sawdust, bark chips and straw.

Straw mulch is nearly 100% effective when held in place by spraying with an organic glue or wood fiber (tackifiers), by punching it into the soil with a shovel or roller, or by tacking a netting over it.

Commercial applications of wood fibers combined with various seeds and fertilizers (hydraulic mulching) are effective in stabilizing sloped areas. Hydraulic mulching with a tackifier should be done in two

separate applications: the first composed of seed fertilizer and half the mulch, the second composed of the remaining mulch and tackifier. Commercial hydraulic mulch applicators — who also provide other erosion control services — are listed under "landscaping" in the phone book.





Mats of excelsior, jute netting and plastic sheets can be effective temporary covers, but they must be in contact with the soil and fastened securely to work effectively.

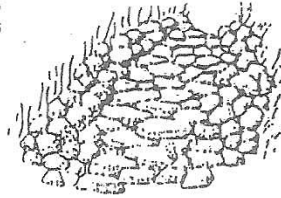
Roof drainage can be collected in barrels or storage containers or routed into lawns, planter boxes and gardens. Be sure to cover stored water so you don't collect mosquitos, too. Excessive runoff should be directed away from your house. Too much water can damage trees and make foundations unstable.

STRUCTURAL RUNOFF CONTROLS

Even with proper timing and planting, you may need to protect disturbed areas from rainfall until the plants have time to establish themselves. Or you may need permanent ways to transport water across your property so that it doesn't cause erosion.

To keep water from carrying soil from your site and dumping it into nearby lots, streets, streams and channels, you need ways to reduce its volume and speed. Some examples of what you might use are:

- Riprap (rock lining) -- to protect channel banks from erosive water flow
- Sediment trap -- to stop runoff carrying sediment and trap the sediment



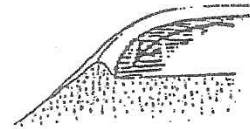
- Storm drain outlet protection -- to reduce the speed of water flowing from a pipe onto open ground or into a natural channel

- Diversion dike or perimeter dike -- to divert excess water to places where it can be disposed of properly

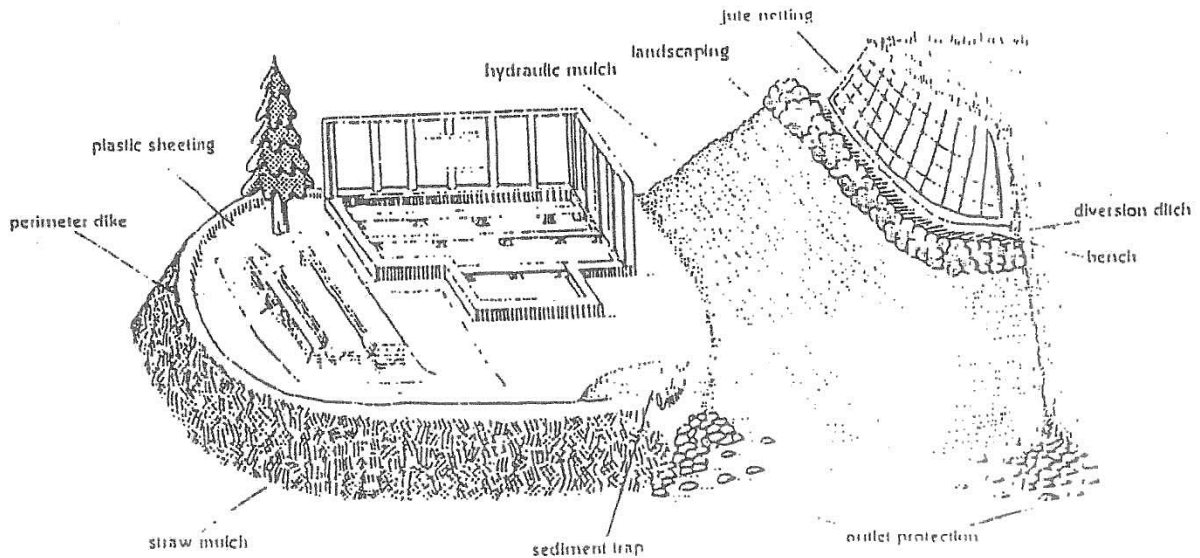


- Straw bale dike -- to stop and detain sediment from small unprotected areas (a short-term measure)

- Perimeter swale -- to divert runoff from a disturbed area or to contain runoff within a disturbed area



- Grade stabilization structure -- to carry concentrated runoff down a slope



APPENDIX C

GUIDE TO THE MAINTENANCE OF HILLSIDE HOME SITES

During the wet winter season, homeowners, particularly those living in houses placed on fill (man-placed earth) or in the vicinity of excavated (cut) slopes, become concerned about the condition of their building site. In general, modern design and construction practice minimizes the probability of serious landsliding (slope failure). The grading codes of the local jurisdictions (cities and counties) in California concerning filled land, excavation, terracing, and slope construction are among the most stringent in the country and, if followed, are adequate to meet almost any natural occurrence. Therefore, the concern of the homeowner should be directed toward maintaining slopes, drainage provisions, and facilities so that they will perform as designed.

The following discussion, general recommendations, and simple precautions are presented to help the homeowner maintain their hillside building site.

The general public often regards the natural terrain as stable — "terra firma." This is, of course, an erroneous concept. Nature is always at work altering the landscape. Hills and mountains are worn down by mass wasting (erosion, sliding, creeping, etc.) and the valleys and lowlands collect these products. Thus the natural process is toward leveling the terrain. Periodically (over tens of millions of years), major land movements rebuild mountains and hills, and these processes begin again. In some areas these processes are very slow, and in others they are more rapid.

Development of hillsides for residential use is carried out, as far as possible, to enhance the natural stability of the site and to minimize the potential for instability resulting from the grading necessary to provide home sites, streets, yards, and other improvements. This has been done by the developer and designers on the basis of geologic and soil mechanics investigations. In order to be successful, the slope, drainage provisions, and facilities must be maintained by the homeowner.

Homeowners are accustomed to maintaining their homes. They expect to paint their houses periodically, replace wiring, clean out clogged plumbing, and repair roofs. Maintenance of the home site, particularly on hillsides, should be considered on the same basis or even on a more serious basis because neglect can result in serious consequences. In most cases, lot and site maintenance can be taken care of along with landscaping, and can be carried out more economically than repair after neglect.

Most slope and hillside lot problems are associated with water. Uncontrolled water from a broken pipe, cesspool, or wet weather causes most damage. Wet

weather is the largest cause of slope problems, particularly in California where rain is intermittent, but may be torrential. Therefore, drainage and erosion control are the most important aspects of home site stability; these provisions must not be altered without competent professional advice. Further, maintenance must be carried out to assure their continued operation.

As geotechnical engineers concerned with the problems of building sites in hillside developments, we offer the following list of recommended "Do's and Don'ts" as a guide to homeowners.

1. **DO** check roof drains, gutters and down spouts to be sure they are clear. Depending on your location, if you do not have roof gutters and down spouts, you may wish to install them because roofs, with their wide, flat area can shed tremendous quantities of water. Without gutters or other adequate drainage, water falling from the eaves collects against foundation and basement walls, which can be undesirable.
2. **DO** clear surface and terrace drainage ditches, and check them frequently during the rainy season. Use a shovel, if necessary. Ask your neighbors to do likewise.
3. **DO** be sure that all drainage ditches have outlet drains that are open. This should be tested during dry weather and can usually be done with a hose. If blockage is evident, you may have to clear the drain mechanically.
4. **DO** check all drains at top of slopes to be sure they are clear and that water will not overflow the slope itself, causing erosion.
5. **DO** keep subsurface drain openings (weep-holes) clear of debris and other material which could block them in a storm.
6. **DO** check for loose fill above and below your property if you live on a slope or terrace.
7. **DO** monitor hoses and sprinklers. During the rainy season, little, if any, irrigation is required. Over saturation of the ground is unnecessary, increases watering costs, and can cause subsurface drainage.
8. **DO** watch for water backup of drains inside the house and toilets during the rainy season, as this may indicate drain or sewer blockage.
9. **DO** exercise ordinary precaution. Your house and building site were constructed to meet certain standards which should protect against any natural occurrence if you do your part in maintaining them.

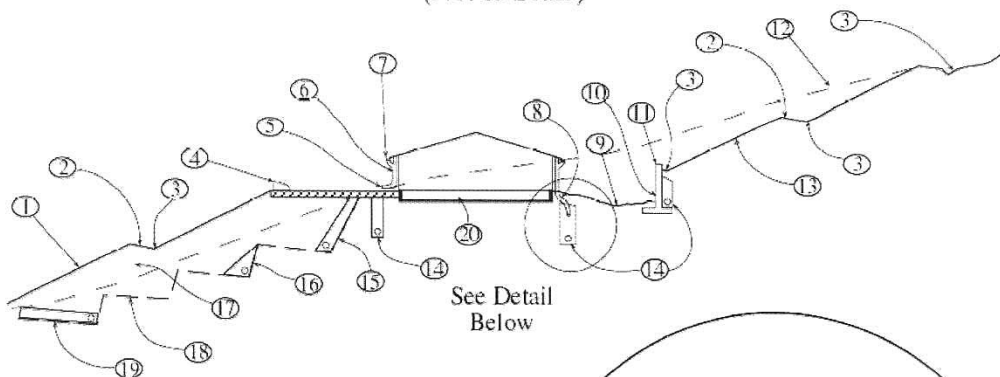
1. **DON'T** block terrace drains and brow ditches on slopes or at the tops of cut or fill slopes. These are designed to carry away runoff to a place where it can be safely distributed. Generally, a little shovel work will remove any accumulation of dirt and other debris which may clog the drain. If several homes are located on the same terrace, it is a good idea to check with your neighbors. Water backed up on their property may eventually reach you. Water backed up in surface drains will tend to overflow and seep into the terraces, creating less stable slopes. Maintain the ground surface upslope of lined ditches to ensure that surface water is collected in the ditch and is not permitted to be trapped behind or under the lining.
2. **DON'T** permit water to collect or pond on your home site. Water gathering here will tend to either seep into the ground (loosening fill or natural ground), or will overflow into the slope and begin erosion. Once erosion is started, it is difficult to control and severe damage may result rather quickly.
3. **DON'T** connect roof drains, gutters, or down spouts to subsurface drains. Rather, arrange them so that water either flows off your property in a specially designed pipe or flows out into a paved driveway or street. The water then may be dissipated over a wide surface or, preferably, may be carried away in a paved gutter or storm drain. Subdrains are constructed to take care of ordinary subsurface water and cannot handle the overload from roofs during a heavy rain.
4. **DON'T** permit water to spill over slopes, even where this may seem to be a good way to prevent ponding. This tends to cause erosion and, in the case of fill slopes, can eat away carefully designed and constructed sites.
5. **DON'T** drop loose soil or debris over slopes. Loose soil soaks up water more readily than compacted fill. It is not compacted to the same strength as the slope itself and will tend to slide when laden with water; this may even affect the soil beneath the loose soil. The sliding may clog terrace drains below or may cause additional damage in weakening the slope. If you live below a slope, try to be sure that loose fill is not dumped above your property.
6. **DON'T** discharge water into subsurface blanket drains close to slopes. Trench drains are sometimes used to get rid of excess water when other means of disposing of water are not readily available. Overloading these drains saturates the ground and, if located close to slopes, may cause slope failure in their vicinity.
7. **DON'T** discharge surface water into septic tanks or leaching fields. Not only are septic tanks constructed for a different purpose, but they will tend, because of their construction, to naturally accumulate additional water from the ground during a heavy rain. Overloading them artificially during the rainy

season is bad for the same reason as subsurface subdrains, and is doubly dangerous since their overflow can pose a serious health hazard. In many areas, the use of septic tanks should be discontinued as soon as sewers are made available.

8. **DON'T** over-irrigate slopes. Naturally, ground cover of ice plant and other vegetation will require some moisture during the hot summer months, but during the wet season, irrigation can cause ice plant and other heavy ground cover to pull loose. This not only destroys the cover, but also starts serious erosion. In some areas, ice plant and other heavy cover can cause surface sloughing when saturated due to the increase in weight and weakening of the near-surface soil. Planted slopes should be planned where possible to acquire sufficient moisture when it rains.
9. **DON'T** let water gather against foundations, retaining walls, and basement walls. These walls are built to withstand the ordinary moisture in the ground and are, where necessary, accompanied by subdrains to carry off the excess. If water is permitted to pond against them, it may seep through the wall, causing dampness and leakage inside the basement. Further, it may cause the foundation to swell up, or the water pressure could cause structural damage to walls.
10. **DON'T** try to compact soil behind walls or in trenches by flooding with water. Not only is flooding the least efficient way of compacting fine-grained soil, but it could damage the wall foundation or saturate the subsoil.
11. **DON'T** leave a hose and sprinkler running on or near a slope, particularly during the rainy season. This will enhance ground saturation which may cause damage.
12. **DON'T** block ditches which have been graded around your house or the lot pad. These shallow ditches have been put there for the purpose of quickly removing water toward the driveway, street or other positive outlet. By all means, do not let water become ponded above slopes by blocked ditches.

A typical slope section showing various grading and drainage requirements, as well as terms used for hillside developments is attached.

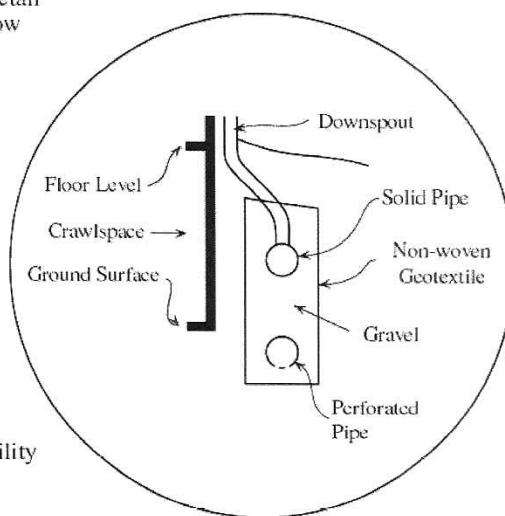
TYPICAL SLOPE SECTION
 (Not to Scale)



See Detail
 Below

CONDITIONS:

- ① Fill Slope
- ② Drainage Terrace
- ③ Lined Ditch
- ④ Curb to Prevent Slope Erosion
- ⑤ Drain Pipe Provided with Positive Outlet on Paved Surface
- ⑥ Downspout
- ⑦ Roof Gutter
- ⑧ Drain Pipe Connected to Solid Pipe and Discharged to an Approved Drainage Facility
- ⑨ Drainage Swale
- ⑩ Weep Holes Through Retaining Wall
- ⑪ Retaining Wall
- ⑫ Original Ground Surface
- ⑬ Cut Slope
- ⑭ Subdrain
- ⑮ Curtain Drain
- ⑯ Wedge Drain
- ⑰ Fill Compacted to Engineering Specifications and Benched into Competent Material
- ⑱ Bench
- ⑲ Blanket Drain
- ⑳ Crawlspace



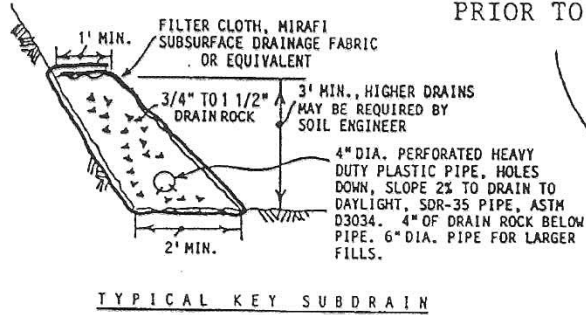
DETAIL
 (Not to Scale)

Reference: San Diego Chapter
 California Council of Civil Engineers and Land Surveyors

APPENDIX D

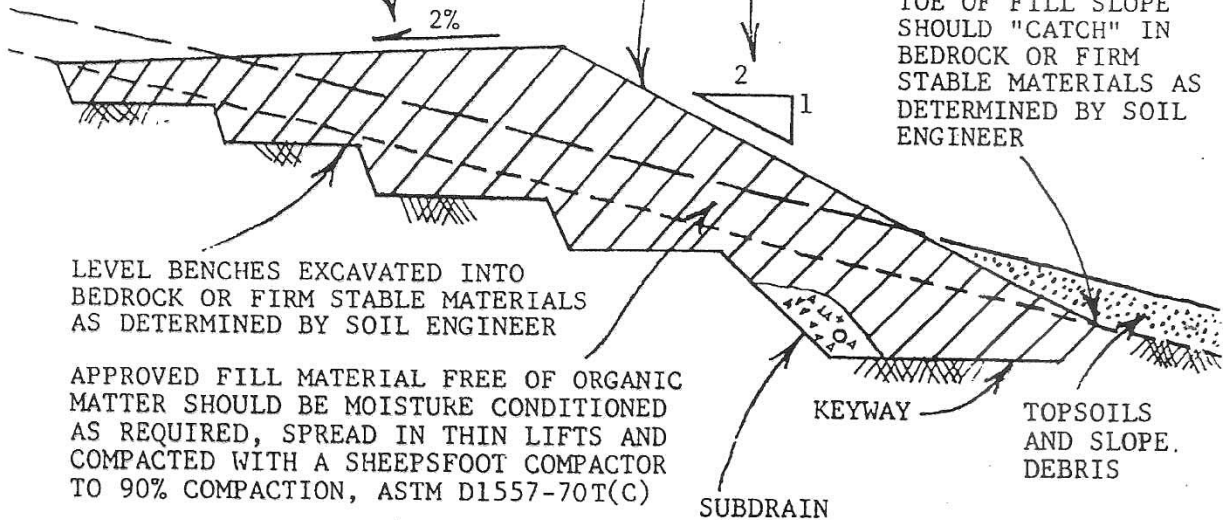
HILLSIDE FILL DETAILS

ALL FILL SLOPES SHOULD BE WELL COMPACTED AND LOOSE MATERIALS REMOVED. SLOPES SHOULD BE PLANTED AND GOOD GRASS COVER ESTABLISHED PRIOR TO WINTER RAINS



2:1 MAX. SLOPE, RETAINING WALLS SHOULD BE USED AT TOE IF NECESSARY IN STEEP AREAS

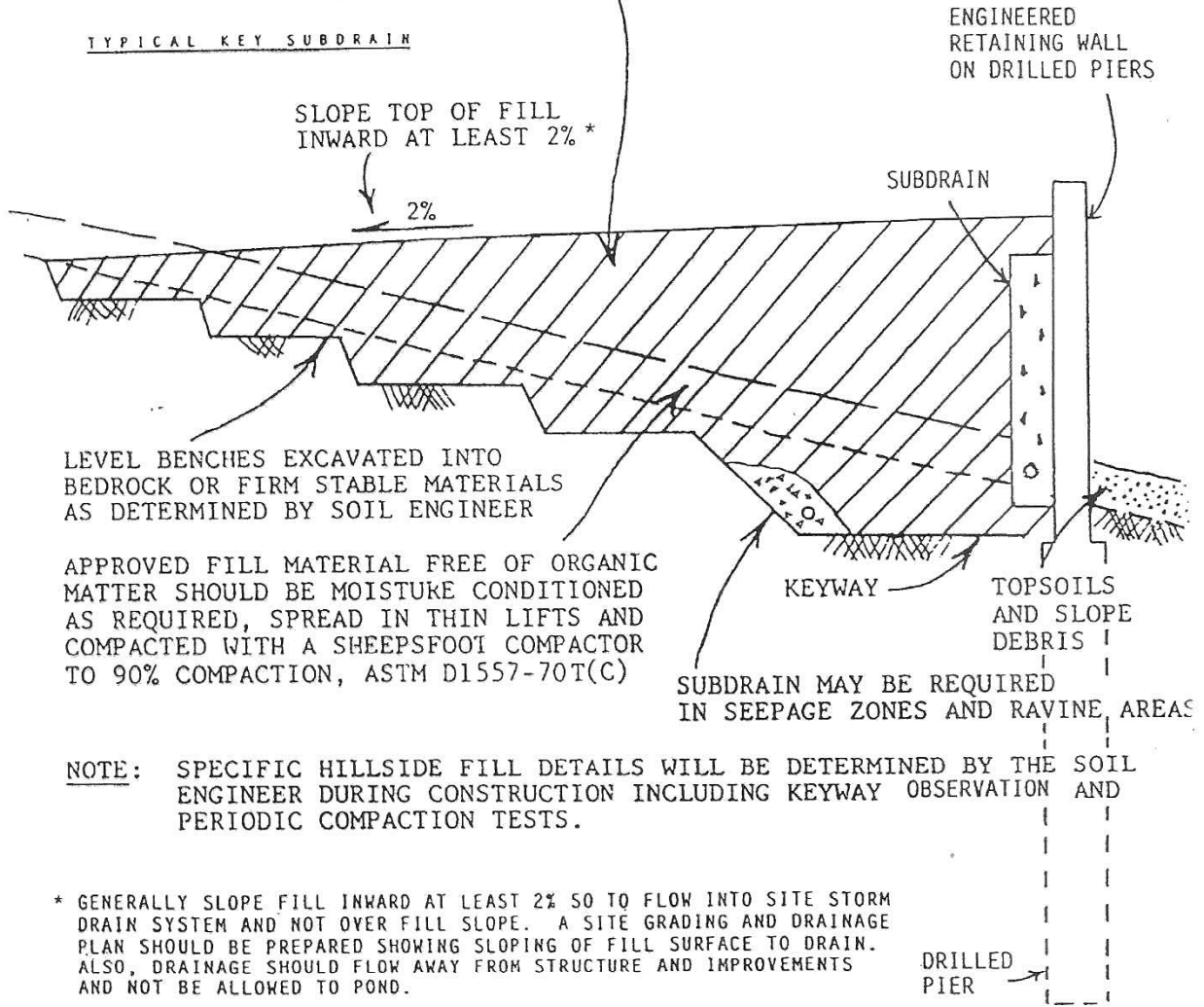
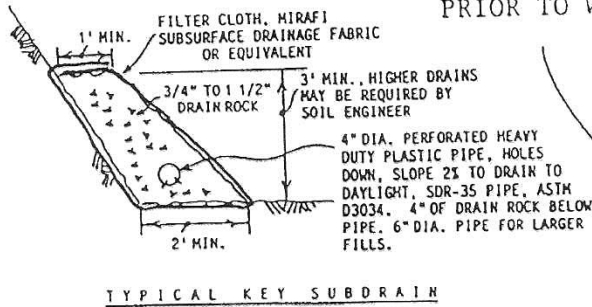
SLOPE TOP OF FILL INWARD AT LEAST 2% *



NOTE: SPECIFIC HILLSIDE FILL DETAILS WILL BE DETERMINED BY THE SOIL ENGINEER DURING CONSTRUCTION INCLUDING KEYWAY OBSERVATION AND PERIODIC COMPACTION TESTS.

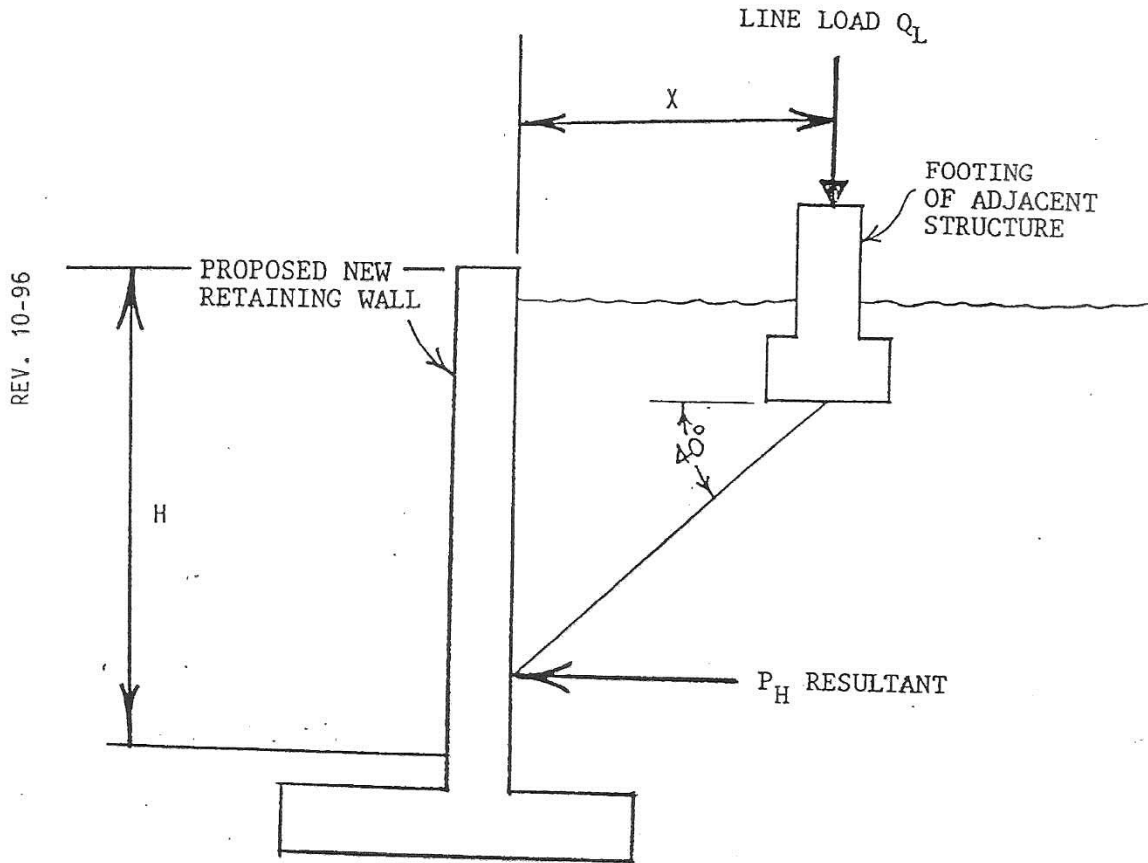
* GENERALLY SLOPE FILL INWARD AT LEAST 2% SO TO FLOW INTO SITE STORM DRAIN SYSTEM AND NOT OVER FILL SLOPE. A SITE GRADING AND DRAINAGE PLAN SHOULD BE PREPARED SHOWING SLOPING OF FILL SURFACE TO DRAIN. ALSO, DRAINAGE SHOULD FLOW AWAY FROM STRUCTURE AND IMPROVEMENTS AND NOT BE ALLOWED TO POND.

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WALL SURCHARGE DETAILS


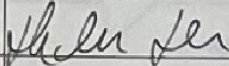
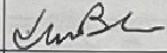
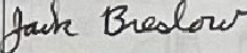
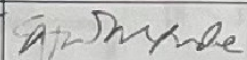
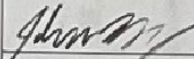
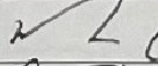
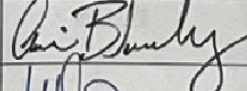
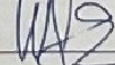
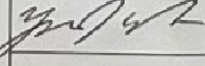


RESULTANT FORCE (P_H) DUE TO LINE LOAD (Q_L)

$$P_H = 0.39 Q_L$$

IF x IS EQUAL TO OR LESS THAN $0.4H$,
THEN USE $P_H = 0.55 Q_L$

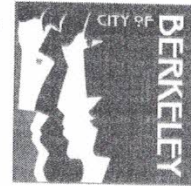
I HAVE REVIEWED THE PLANS FOR THE NEW HOUSE AT 705 EUCLID AVE.

NAME (PRINTED)	SIGNATURE	ADDRESS	DATE	HAVE NO OBJECTION	HAVE OBJECTION (PLEASE STATE BRIEFLY)
Mike Stellanby		708 Euclid	2/13	✓	
Helen Lee		708 Euclid Ave	2/13	✓	
Leora Bloom		700 Euclid Ave	2/13	✓	
Jack Breslow		702 Hilldale Ave	2/13	✓	
Anne Andre		702 Hilldale Ave	2/13	✓	
	John M. Vetter	698 Hilldale	2/13	✓	
Nels Eger		690 Euclid	2/13	✓	
Annie Blumberg		706 Hilldale Ave	2/16	✓	
Will Glenor		713 Euclid	2/20	✓	
	Yoshiko I. Wada	696 Hilldale Ave.	4/24	✓	



Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 2.0)
Stormwater Controls for Development Projects

City of Berkeley
Public Works Dept.
Engineering Division



I. Applicability of C.3 and C.6 Stormwater Requirements

I.A. Enter Project Data (For "C.3 Regulated Projects," data will be reported in the municipality's stormwater Annual Report.)

I.A.1 Project Name: NEW RESIDENCE

I.A.2 Project Address (include cross street): 705 EUCLID AVENUE BERKELEY, 94708

I.A.3 Project APN: 63-2955-40-1 I.A.4 Project Watershed¹: _____

I.A.5 Applicant Name: John Newton I.A.6 Date Submitted: 6-13-22

I.A.7 Applicant Address: 5666 Telegraph Avenue Oakland CA 94609

I.A.8 Applicant Phone: (510) 847-4708 I.A.9 Applicant Email Address: johnnewton67@sbeglobal.net

I.A.10 Development type: (check all that apply)
 Residential Commercial Industrial Mixed-Use Streets, Roads, etc.
 'Redevelopment' as defined by MRP: creating, adding and/or replacing exterior existing impervious surface on a site where past development has occurred²
 'Special land use categories' as defined by MRP: (1) auto service facilities³, (2) retail gasoline outlets, (3) restaurants³, (4) uncovered parking area (stand-alone or part of a larger project)

I.A.11 Project Description⁴: (Also note any past or future phases of the project.)
NEW 4528 SF HOUSE & OPEN PARKING PAD ON VACANT UPSLOPE LOT

I.A.12 Total Area of Site: 6,024 SF acres I.A.13 Slope on Site: 60% upslope %

I.A.14 Total Area of land disturbed during construction (include clearing, grading, excavating and stockpile area: _____ acres.
5900 SF

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b?

I.B.1. Enter the amount of impervious surface⁴ created and/or replaced by the project (if the total amount is 5,000 sq.ft. or more):

Table of Impervious and Pervious Surfaces

Type of Impervious Surface	a	b	c	d
	Pre-Project Impervious Surface (sq.ft.)	Existing Impervious Surface to be Replaced ⁷ (sq.ft.)	New Impervious Surface to be Created ⁷ (sq.ft.)	Post-project pervious surface (sq.ft.)
Roof area(s) – excluding any portion of the roof that is vegetated ("green roof")	—	—	2,354 SF	N/A
Impervious ⁵ sidewalks, patios, paths, driveways	—	—	877 SF	
Impervious ⁵ uncovered parking ⁶	—	—	398 SF	
Streets (public)	—	—	—	
Streets (private)	—	—	—	
Totals:	0	0	3,629 SF	
Area of Existing Impervious Surface to remain in place	0		N/A	
Total New Impervious Surface (sum of totals for columns b and c):			3,629 SF	

¹ Watershed is defined by the maps from the Alameda County Flood Control District at <http://acfloccdcontrol.org/resources/explore-watersheds>
² Roadway projects that replace existing impervious surface are subject to C.3 requirements only if one or more lanes of travel are added.
³ Standard Industrial Classification (SIC) codes are in Section 2.3 of the C.3 Technical Guidance (download at www.cleanwaterprogram.org)
⁴ Project description examples: 5-story office building, industrial warehouse, residential with five 4-story buildings for 200 condominiums, etc.
⁵ Per the MRP, pavement that meets the following definition of pervious pavement is NOT an impervious surface. Pervious pavement is defined as pavement that stores and infiltrates rainfall at a rate equal to immediately surrounding unpaved, landscaped areas, or that stores and infiltrates the rainfall runoff volume described in Provision C.3.d.
⁶ Uncovered parking includes top level of a parking structure.
⁷ "Replace" means to install new impervious surface where existing impervious surface is removed. "Create" means to install new impervious surface where there is currently no impervious surface.

Stormwater Requirements Checklist

I.B. Is the project a "C.3 Regulated Project" per MRP 2.0 Provision C.3.b? (continued)

	Yes	No	NA
I.B.2 In Item I.B.1, does the Total New Impervious Surface equal 10,000 sq.ft. or more? <i>If YES, skip to Item I.B.5 and check "Yes." If NO, continue to Item I.B.3.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I.B.3 Does the Item I.B.1 Total New Impervious Surface equal 5,000 sq.ft. or more, but less than 10,000 sq.ft.? <i>If YES, continue to Item I.B.4. If NO, skip to Item I.B.5 and check "No."</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I.B.4 Is the project a "Special Land Use Category" per Item I.A.10? For uncovered parking, check YES only if there is 5,000 sq.ft or more uncovered parking. <i>If NO, go to Item I.B.5 and check "No." If YES, go to Item I.B.5 and check "Yes."</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I.B.5 Is the project a C.3 Regulated Project? <i>If YES, go to Item I.B.6; if NO, continue to Item I.C.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I.B.6 Does the total amount of Replaced impervious surface equal 50 percent or more of the Pre-Project Impervious Surface? <i>If YES, stormwater treatment requirements apply to the whole site; if NO, these requirements apply only to the impervious surface created and/or replaced.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I.B.7 Is the project installing a total of 3,000 sq.ft. or more (excluding private-use patios in single family homes, townhomes, or condominiums) of new pervious pavement systems? (Pervious pavement systems include pervious concrete, pervious asphalt, pervious pavers and grid pavers etc. and are described in the C3 Technical Guidance at www.cleanwaterprogram.org) <i>If YES, stormwater treatment system inspection requirements (C.3.h) apply; (Municipal staff – add this site to your list of sites needing a final inspection at the end of construction and on-going O&M inspections.) If NO, inspection requirements only apply if there are other treatment systems installed on the project.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I.C. Projects that are NOT C.3 Regulated Projects

If you answered NO to Item I.B.5, or the project creates/replaces less than 5,000 sq. ft. of impervious surface, then the project is NOT a C.3 Regulated Project, and stormwater treatment is not required, BUT the municipality may determine that source controls and site design measures are required. Skip to Section II.

I.D. Projects that ARE C.3 Regulated Projects

If you answered YES to Item I.B.5, then the project is a C.3 Regulated Project. The project must include appropriate site design measures and source controls AND hydraulically-sized stormwater treatment measures. Hydromodification management may also be required; refer to Section II to make this determination. If final discretionary approval was granted on or after **DECEMBER 1, 2011**, Low Impact Development (LID) requirements apply, except for "Special Projects." See Section II.

I.E. Identify C.6 Construction-Phase Stormwater Requirements

	Yes	No
I.E.1 Does the project disturb 1.0 acre (43,560 sq.ft.) or more of land? (See Item I.A.14). <i>If Yes, obtain coverage under the state's Construction General Permit at https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp. Submit to the municipality a copy of your Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) before a grading or building permit is issued.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.E.2 Is the site a "High Priority Site" that disturbs less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make the final determination.) "High Priority Sites" are sites having any of the following criteria: <ul style="list-style-type: none"> ▪ that require a grading permit, ▪ are adjacent to a creek, ▪ or are otherwise high priority for stormwater protection during construction (see MRP 2.0 Provision C.6.e.ii.(2)(c)) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.E.3 Is the site a "Hillside Site" that disturbs 5,000 sq.ft. or more, but less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make the final determination.) <ul style="list-style-type: none"> ▪ "Hillside Sites" are located on hillsides, as indicated on a jurisdictional map of hillside development areas or as indicated by meeting jurisdictional hillside development criteria. ▪ If no map or criteria exist, then Hillside Sites are sites with a slope of 15% or more (see I.A.13 above and MRP 2.0 Provision C.6.e.ii.(2)(b)). 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- NOTE TO APPLICANT: All projects require appropriate stormwater best management practices (BMPs) during construction. Refer to the Section II to identify appropriate construction BMPs.
- NOTE TO MUNICIPAL STAFF: If the answer is "Yes" to I.E.1, I.E.2, OR I.E.3, refer this project to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30) and other times of the year as appropriate.

II. Implementation of Stormwater Requirements

II.A. Complete the appropriate sections for the project. For non-C.3 Regulated Projects, Sections II.B, II.C, and II.D apply. For C.3 Regulated Projects, all sections of Section II apply.

II.B. Select Appropriate Site Design Measures

- Required for C.3 Regulated Projects.
- Starting December 1, 2012, projects that create and/or replace 2,500 - 10,000 sq.ft. of impervious surface, and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface, must include one of Site Design Measures a through f.⁸
- All other projects are encouraged to implement site design measures, which may be required at municipality discretion.
- Consult with municipal staff about requirements for your project.

II.B.1 Is the site design measure included in the project plans?

Yes	No	Plan Sheet No.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Direct roof runoff onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	e. Construct sidewalks, walkways, and/or patios with pervious surfaces. Use the specifications in the C3 Technical Guidance (Version 4.1) or for small projects see the BASMAA Pervious Paving Factsheet. For these documents and others go to www.cleanwaterprogram.org and click on "Resources."
<input type="checkbox"/>	<input checked="" type="checkbox"/>	f. Construct bike lanes, driveways, and/or uncovered parking lots with pervious surfaces. Use the specifications in the C3 Technical Guidance (Version 4.1) or for small projects see the BASMAA Pervious Paving Factsheet. For these documents and others go to the program website at: www.cleanwaterprogram.org and click on "Resources."
<input type="checkbox"/>	<input checked="" type="checkbox"/>	g. Minimize land disturbance and impervious surface (especially parking lots).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	h. Maximize permeability by clustering development and preserving open space.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	i. Use micro-detention, including distributed landscape-based detention.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	k. Self-treating area (see Section 4.1 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	l. Self-retaining area (see Section 4.2 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	m. Plant or preserve interceptor trees (Section 4.5, C.3 Technical Guidance)

⁸ See MRP Provision C.3.a.i(6) for non-C.3 Regulated Projects, C.3.c.i(2)(a) for Regulated Projects, C.3.i for projects that create/replace 2,500 to 10,000 sq.ft. of impervious surface and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface.

Stormwater Requirements Checklist

II.C. Select appropriate source controls (Applies to C.3 Regulated Projects; encouraged for other projects. Consult municipal staff.⁹)

Are these features in project?		Features that require source control measures	Source control measures (Refer to Local Source Control List for detailed requirements)	Is source control measure included in project plans?		
Yes	No			Yes	No	Plan Sheet No.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Storm Drain	Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floor Drains	Plumb interior floor drains to sanitary sewer ¹⁰ [or prohibit].	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking garage	Plumb interior parking garage floor drains to sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landscaping	<ul style="list-style-type: none"> ▪ Retain existing vegetation as practicable. ▪ Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. ▪ Minimize use of pesticides and quick-release fertilizers. ▪ Use efficient irrigation system; design to minimize runoff. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pool/Spa/Fountain	Provide connection to the sanitary sewer to facilitate draining. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Food Service Equipment (non-residential)	Provide sink or other area for equipment cleaning, which is: <ul style="list-style-type: none"> ▪ Connected to a grease interceptor prior to sanitary sewer discharge.⁹ ▪ Large enough for the largest mat or piece of equipment to be cleaned. ▪ Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off, and signed to require equipment washing in this area. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refuse Areas	<ul style="list-style-type: none"> ▪ Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. ▪ Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Process Activities ¹¹	Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Equipment/Materials Storage	<ul style="list-style-type: none"> ▪ Cover the area or design to avoid pollutant contact with stormwater runoff. ▪ Locate area only on paved and contained areas. ▪ Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer⁹, and contain by berms or similar. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Cleaning	<ul style="list-style-type: none"> ▪ Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer⁹, and sign as a designated wash area. ▪ Commercial car wash facilities shall discharge to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Repair and Maintenance	<ul style="list-style-type: none"> ▪ Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. ▪ No floor drains unless pretreated prior to discharge to the sanitary sewer.⁹ ▪ Connect containers or sinks used for parts cleaning to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Dispensing Areas	<ul style="list-style-type: none"> ▪ Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break. ▪ Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Loading Docks	<ul style="list-style-type: none"> ▪ Cover and/or grade to minimize run-on to and runoff from the loading area. ▪ Position downspouts to direct stormwater away from the loading area. ▪ Drain water from loading dock areas to the sanitary sewer.⁹ ▪ Install door skirts between the trailers and the building. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous Drain or Wash Water	<ul style="list-style-type: none"> ▪ Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.⁹ ▪ Roof drains shall drain to unpaved area where practicable. ▪ Drain boiler drain lines, roof top equipment, all washwater to sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Copper	Discharge rinse water to sanitary sewer ⁹ , or collect and dispose properly offsite. See flyer "Requirements for Architectural Copper."	<input type="checkbox"/>	<input type="checkbox"/>	

⁹ See MRP Provision C.3.a.i(7) for non-C.3 Regulated Projects and Provision C.3.c.i(1) for C.3 Regulated Projects.

¹⁰ Any connection to the sanitary sewer system is subject to sanitary district approval.

¹¹ Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

Stormwater Requirements Checklist

II.D. Implement Construction Best Management Practices (BMPs) (Applies to all projects – see Provision C.6 for more details.)

Yes	No	Best Management Practice (BMP)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach the municipality's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide notes, specifications, or attachments describing the following: <ul style="list-style-type: none"> ▪ Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; ▪ Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; ▪ Specifications for vegetative cover & mulch, include methods and schedules for planting and fertilization; ▪ Provisions for temporary and/or permanent irrigation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Perform clearing and earth moving activities only during dry weather.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect all storm drain inlets in vicinity of site using sediment controls such as berms, fiber rolls, or filters.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stock piles, etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Divert on-site runoff around exposed areas; divert off-site runoff around the site (e.g., swales and dikes).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Limit construction access routes and stabilize designated access points.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, washwater or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.

PROJECTS THAT ARE NOT C.3 REGULATED PROJECTS STOP HERE!

Stormwater Requirements Checklist

II.G. Is the project a Hydromodification Management¹³ (HM) Project? (Complete this section for C.3 Regulated Projects)

- II.G.1 Does the project create and/or replace 1 acre (43,560 sq. ft.) or more of impervious surface? (Refer to Item I.B.1.)
 - Yes. Continue to Item II.G.2.
 - No. The project is NOT required to incorporate HM measures. Skip to Item II.G.6 and check "No."
- II.G.2 Is the total impervious area increased over the pre-project condition? (Refer to Item I.B.1.)
 - Yes. Continue to Item II.G.3.
 - No. The project is NOT required to incorporate HM measures. Skip to Item II.G.6 and check "No."
- II.G.3 Is the site located in a tidally influenced/depositional area, or in the extreme eastern portion of the county that is not subject to HM requirements? (See HMP Susceptibility Map in Appendix I of the C.3 Technical Guidance.)
 - Yes. Project is exempt from HM requirements. Attach map indicating project location. Skip to II.G.6 and check "No".
 - No. Continue to II.G.4.
- II.G.4 Is the site located in a high slope zone or special consideration watershed, as shown on the HMP Susceptibility Map?
 - Yes. Project is subject to HM requirements. Attach map indicating project location. Skip to II.G.6 and check "Yes."
 - No. Continue to II.G.5.
- II.G.5 For sites located in a white area on the HMP Susceptibility Map, has an engineer or qualified environmental professional determined that runoff from the project flows only through a hardened channel or enclosed pipe along its entire length before emptying into a waterway in the exempt area?
 - Yes. Project is exempt from HM requirements. Attach signed statement by qualified professional. Go to II.G.6 and check "No."
 - No. Project is subject to HM requirements. Attach map indicating project location. Go to Item G.6 and check "Yes."
- II.G.6 Is the project a Hydromodification Management Project?
 - Yes. The project is subject to HM requirements in Provision C.3.g of the Municipal Regional Stormwater Permit.
 - No. The project is EXEMPT from HM requirements.
 - HM requirements are impracticable. (Attach documentation needed to comply with the impracticability provision in MRP Attachment B.)

➤ If the project is subject to the HM requirements, incorporate in the project flow duration stormwater control measures designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations. The Bay Area Hydrology Model (BAHM) has been developed to size flow duration controls. See www.bayareahydrologymodel.org. Guidance is provided in Chapter 7 of the C.3 Technical Guidance.

II.H Stormwater Treatment Measure and/HM Control Owner or Operator's Information:

Name: _____
 Address: _____
 Phone: _____ Email: _____

➤ Applicant must call for inspection and receive inspection within 45 days of installation of treatment measures and/or hydromodification management controls.

Name of applicant completing the form: John Newton
 Signature: John Newton Date: 6-13-22

¹³ Hydromodification is the modification of a stream's hydrograph, caused in general by increases in flows and durations that result when land is developed (made more impervious). The effects of hydromodification include, but are not limited to, increased bed and bank erosion, loss of habitat, increased sediment transport and deposition, and increased flooding. Hydromodification management control measures are designed to reduce these effects.

Stormwater Requirements Checklist

III. For Completion By Municipal Staff

III.1 Alternative Certification: Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?
 Yes No Name of Reviewer _____

III.2. Confirm Operations and Maintenance (O&M) Submittal:

The following questions apply to C.3 Regulated Projects and Hydromodification Management Projects.

	Yes	No	N/A
III.2.a Was maintenance plan submitted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III.2.b Was maintenance plan approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III.2.c Was maintenance agreement submitted? (Date executed: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

➤ Attach the executed maintenance agreement as an appendix to this checklist.

III.3 Incorporate HM Controls (if required)

Are the applicable items for HM compliance included in the plan submittal?			Documentation for HM Compliance
Yes	No	NA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site plans with pre- and post-project impervious surface areas, surface flow directions of entire site, locations of flow duration controls and site design measures per HM site design requirement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soils report or other site-specific document showing soil types at all parts of site
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses the Bay Area Hydrology Model (BAHM), a list of model inputs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses custom modeling, a summary of the modeling calculations with corresponding graph showing curve matching (existing, post-project, and post-project with HM controls curves), goodness of fit, and (allowable) low flow rate.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses the Impracticability Provision, a listing of all applicable costs and a brief description of the alternative HM project (name, location, date of start up, entity responsible for maintenance).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the project uses alternatives to the default BAHM approach or settings, a written description and rationale.

➤ Municipal staff: Refer to the "Flow Duration Control Review Worksheet for HM Submittals" to review the documentation submitted for HM compliance.

III.4 Annual Operations and Maintenance (O&M) Submittals:

For C.3 Regulated Projects and Hydromodification Management Projects, indicate the dates on which the Applicant submitted annual reports for project O&M: _____

III.5 Comments:

III.6 Notes:

Section I Notes: _____
 Section II Notes: _____
 Section III Notes: _____

III.7 Project Close-Out:

III.7.a Were final Conditions of Approval met?

Stormwater Requirements Checklist

- III.7.b Was initial inspection of the completed treatment/HM measure(s) conducted?
(Date of inspection: _____)
- III.7.c Was maintenance plan submitted?
(Date executed: _____)
- III.7.d Was project information provided to staff responsible for O&M verification inspections?
(Date provided to inspection staff: _____)

Name of staff confirming project is closed out: _____

Signature: _____ Date: _____

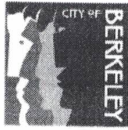
Name of O&M staff receiving information: _____

Signature: _____ Date: _____

Appendices

Appendix A: O&M Agreement

Appendix B: O&M Annual Report Form



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: 705 EUCLID AVENUE BERKELEY, CA 94708 Date: 6-13-22
Applicant's Name: JOHN NEWTON
Zoning District: R-1H

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

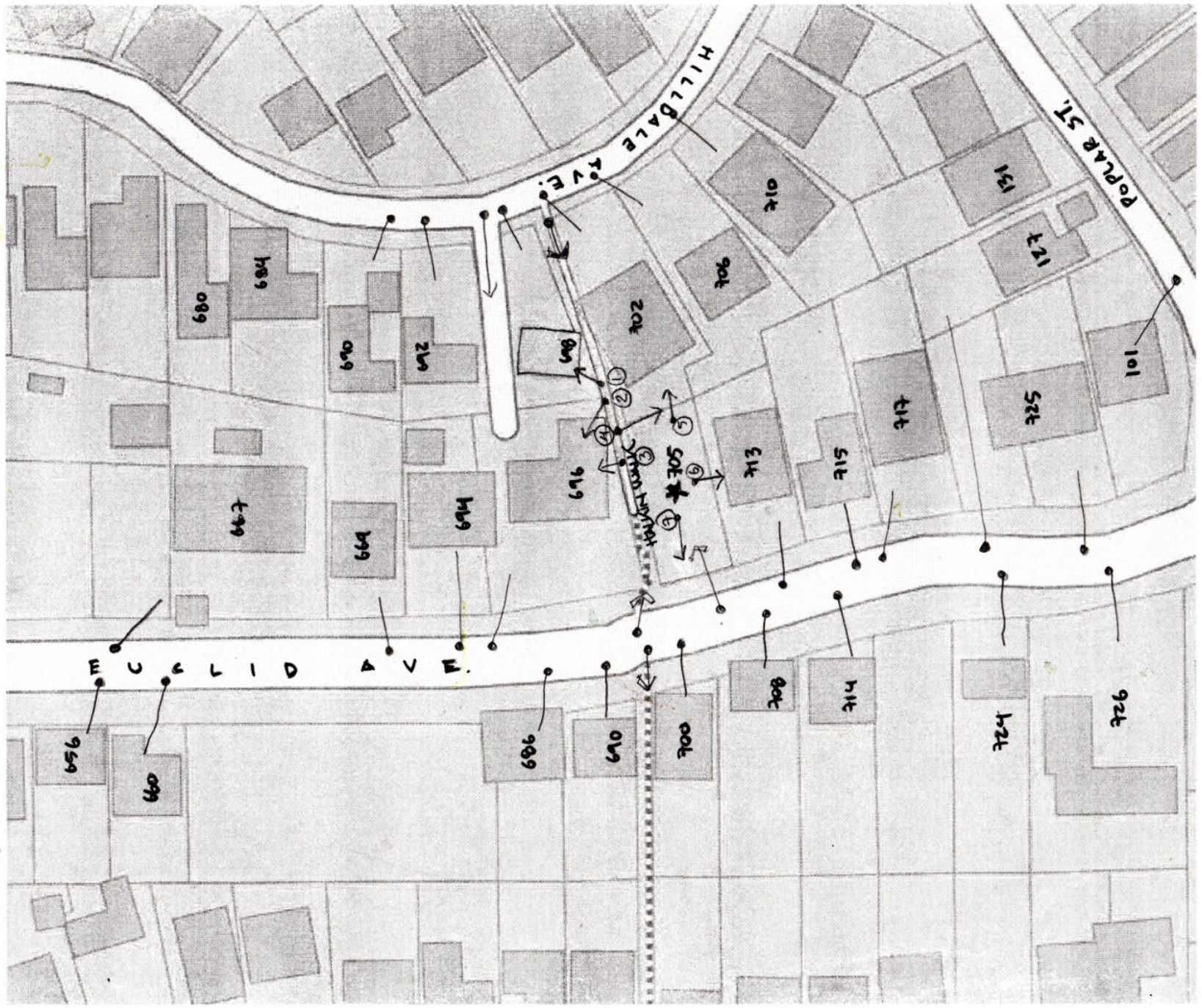
	Existing	Proposed	Permitted/ Required ¹
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	—	1	1
Number of Parking Spaces (#)	—	2	1 (MORE W/AUP)
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	—	4	—
Yards and Height			
Front Yard Setback (Feet)	—	23'-3"	20' (LESS W/AUP)
Side Yard Setbacks: (facing property)	Left: (Feet)	4'	4'
	Right: (Feet)	4'-11"	4'
Rear Yard Setback (Feet)	—	23'-11"	20' (LESS W/AUP)
Building Height* (# Stories)	—	3	3
Average* (Feet)	—	40'-1/2"	28' (MORE W/AUP)
Maximum* (Feet)	—	41'-11"	35' (MORE W/AUP)
Areas			
Lot Area (Square-Feet)	6,024 SF	6,024 SF	5,000 SF
Gross Floor Area* (Square-Feet)	—	4,528 SF	—
Total Area Covered by All Floors	—	2,354 SF	2410 SF (40%)
Building Footprint* (Square-Feet)	—	2,354 SF	2410 SF (40%)
Lot Coverage* (%) Residential districts only (Building Footprint/Lot Area)	—	39.1%	40%
Useable Open Space* (Square-Feet)	—	1155 SF	400 SF
Floor Area Ratio* Non-Residential districts only (Except ES-R)	—	—	—

*See Glossary – BMC Chapter 23.502.

Revised: 12/21

¹ See development standards for the Zoning District, per the Berkeley Municipal Code, Chapters 23.202 and 23.204
g:\landuse\forms & instructions\land use planning forms\word files\forms_zoning project application\december 2021- bzo related\zoning project application_tabulation form.docx

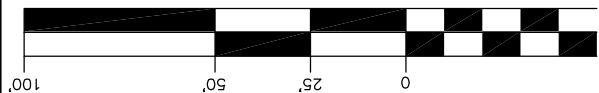
KHOURY 705 EUCLID - KEY MAP



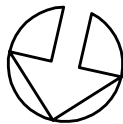
VICINITY MAP

1" = 50'

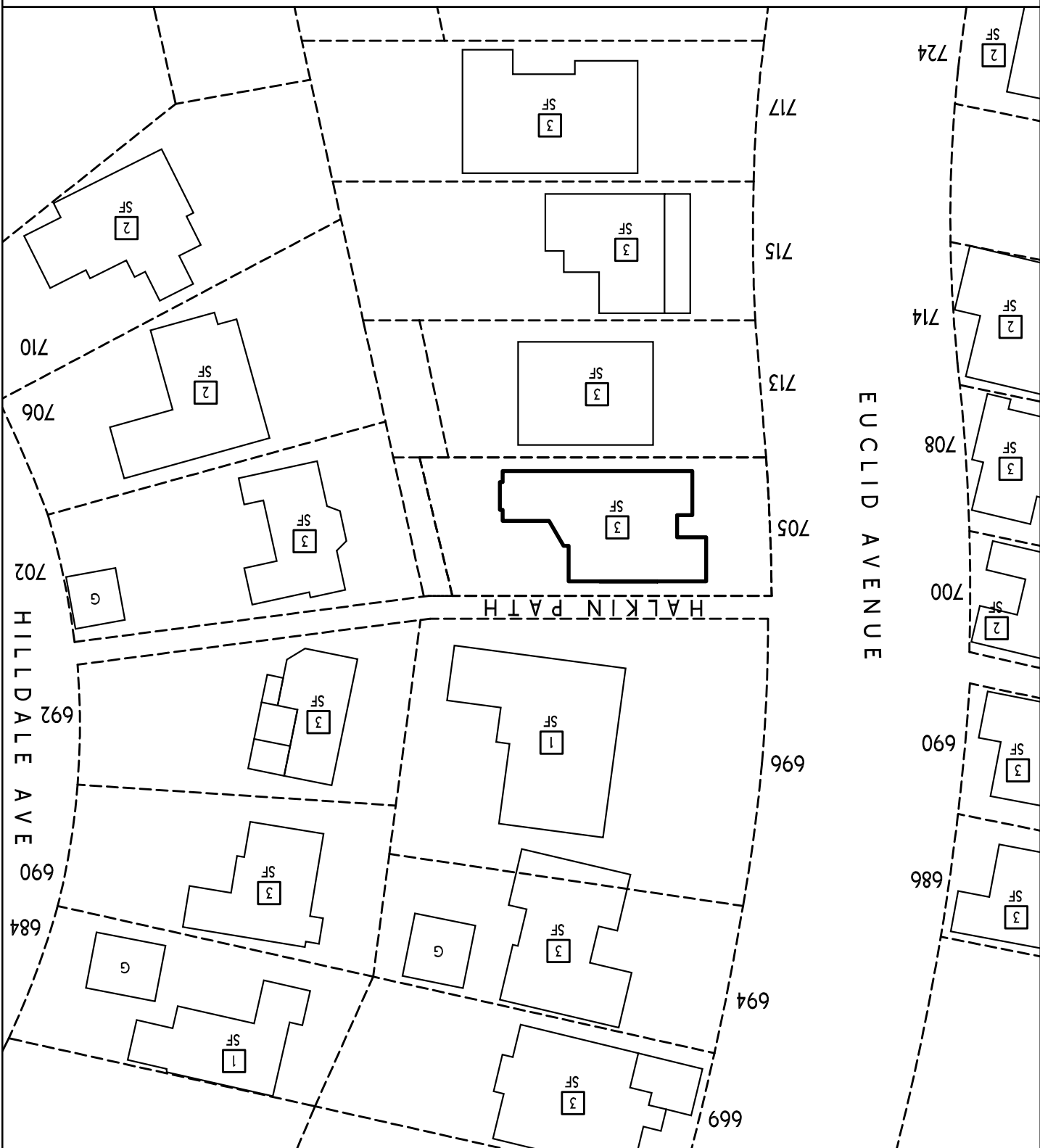
GRAPHIC SCALE

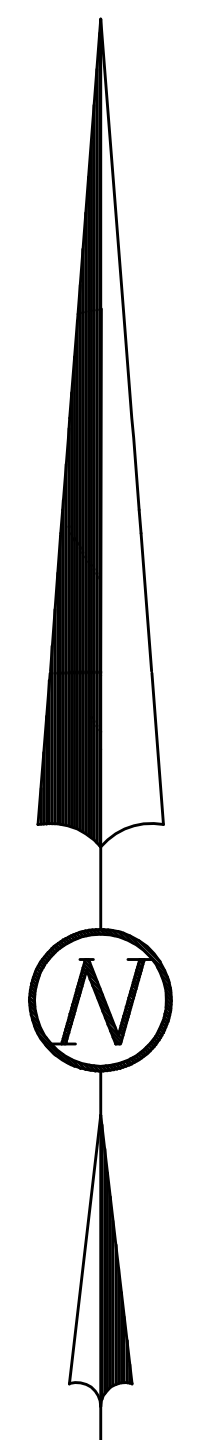
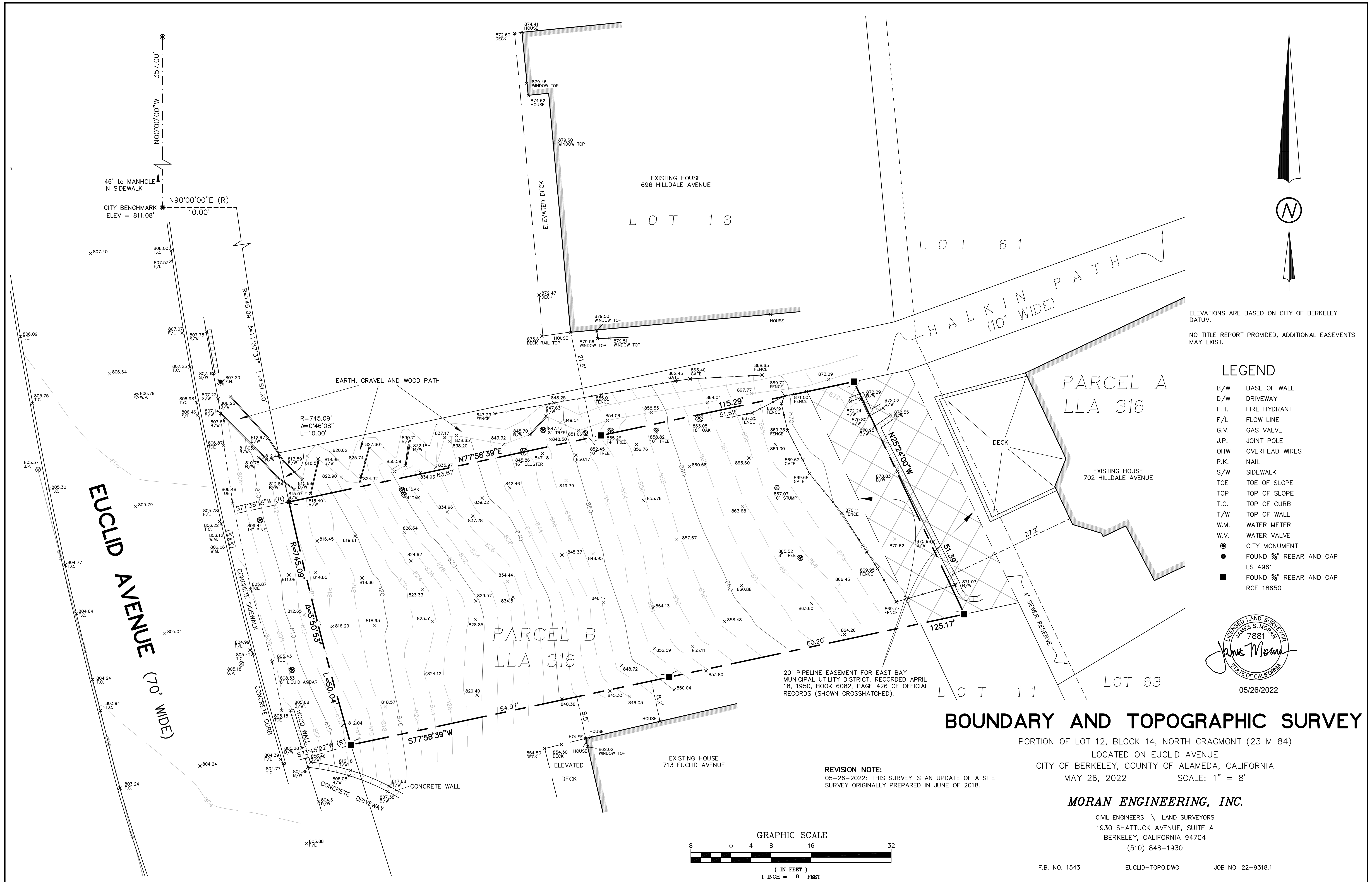


TRUE NORTH



- LEGEND**
- [X] -NUMBER OF STORIES
 - SF -SINGLE FAMILY
 - G -GARAGE

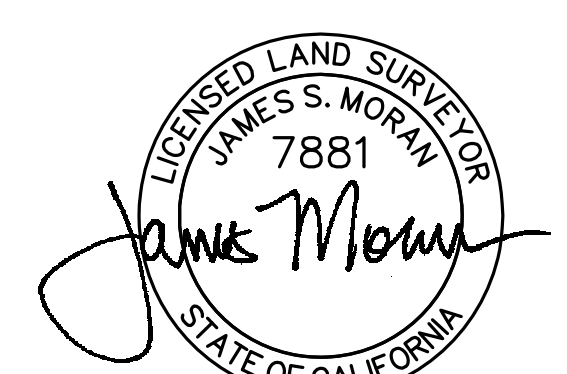




ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
NO TITLE REPORT PROVIDED, ADDITIONAL EASEMENTS MAY EXIST.

LEGEND

- B/W BASE OF WALL
- D/W DRIVEWAY
- F.H. FIRE HYDRANT
- F/L FLOW LINE
- G.V. GAS VALVE
- J.P. JOINT POLE
- OHW OVERHEAD WIRES
- P.K. NAIL
- S/W SIDEWALK
- TOE TOE OF SLOPE
- TOP TOP OF SLOPE
- T.C. TOP OF CURB
- T/W TOP OF WALL
- W.M. WATER METER
- W.V. WATER VALVE
- CITY MONUMENT
- FOUND 3/8" REBAR AND CAP LS 4961
- FOUND 3/8" REBAR AND CAP RCE 18650



05/26/2022

20' PIPELINE EASEMENT FOR EAST BAY MUNICIPAL UTILITY DISTRICT, RECORDED APRIL 18, 1950, BOOK 6082, PAGE 426 OF OFFICIAL RECORDS (SHOWN CROSSHATCHED).

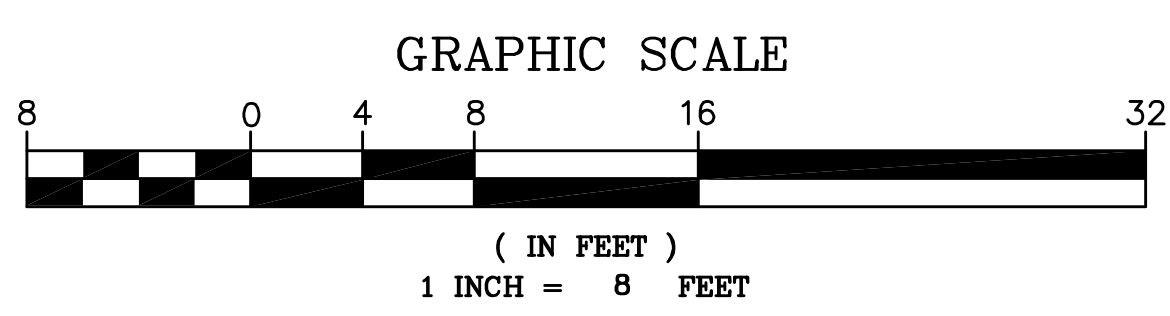
BOUNDARY AND TOPOGRAPHIC SURVEY

PORTION OF LOT 12, BLOCK 14, NORTH CRAGMONT (23 M 84)
LOCATED ON EUCLID AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
MAY 26, 2022 SCALE: 1" = 8'

MORAN ENGINEERING, INC.

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

REVISION NOTE:
05-26-2022: THIS SURVEY IS AN UPDATE OF A SITE SURVEY ORIGINALLY PREPARED IN JUNE OF 2018.



John Newton
Design & Development
5666 Telegraph Ave, Ste A
Oakland, CA 94609
(510) 847-4108
DESIGN CONSULTATION
& PROJECT MANAGEMENT

CM Engineers
(925) 818-0570
Cyrus Mashhoodi, PE
REGISTERED DESIGN
PROFESSIONAL IN
RESPONSIBLE CHARGE

NEW RESIDENCE

PROJECT ADDRESS:
705 Euclid Avenue
Berkeley, CA 94708
APN: 63-2955-40-1

OWNER:
Tarek Khoury
903 Ventura Ave.,
Albany, CA 94707
(510)-387-7100

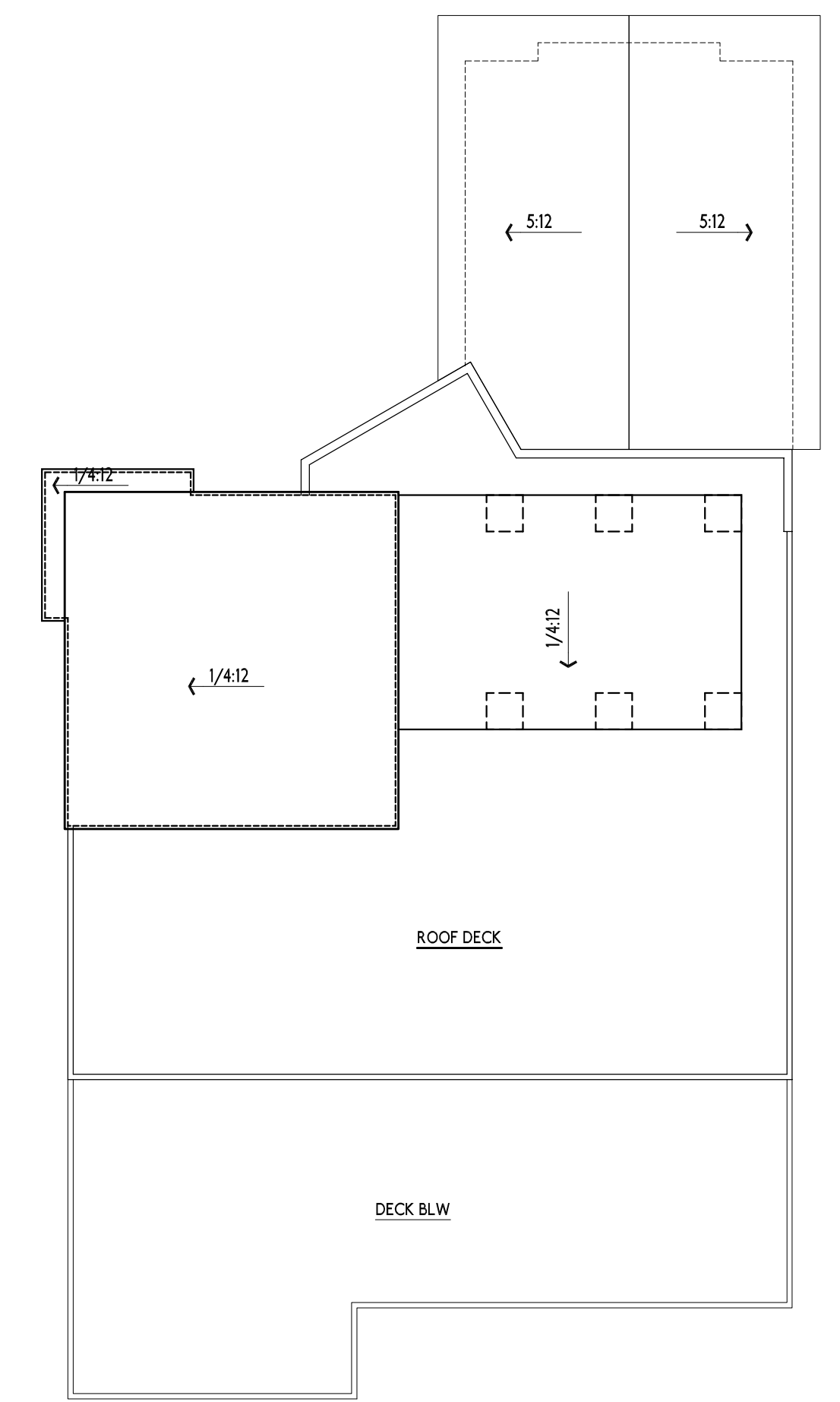
FLOOR PLANS

REVISION

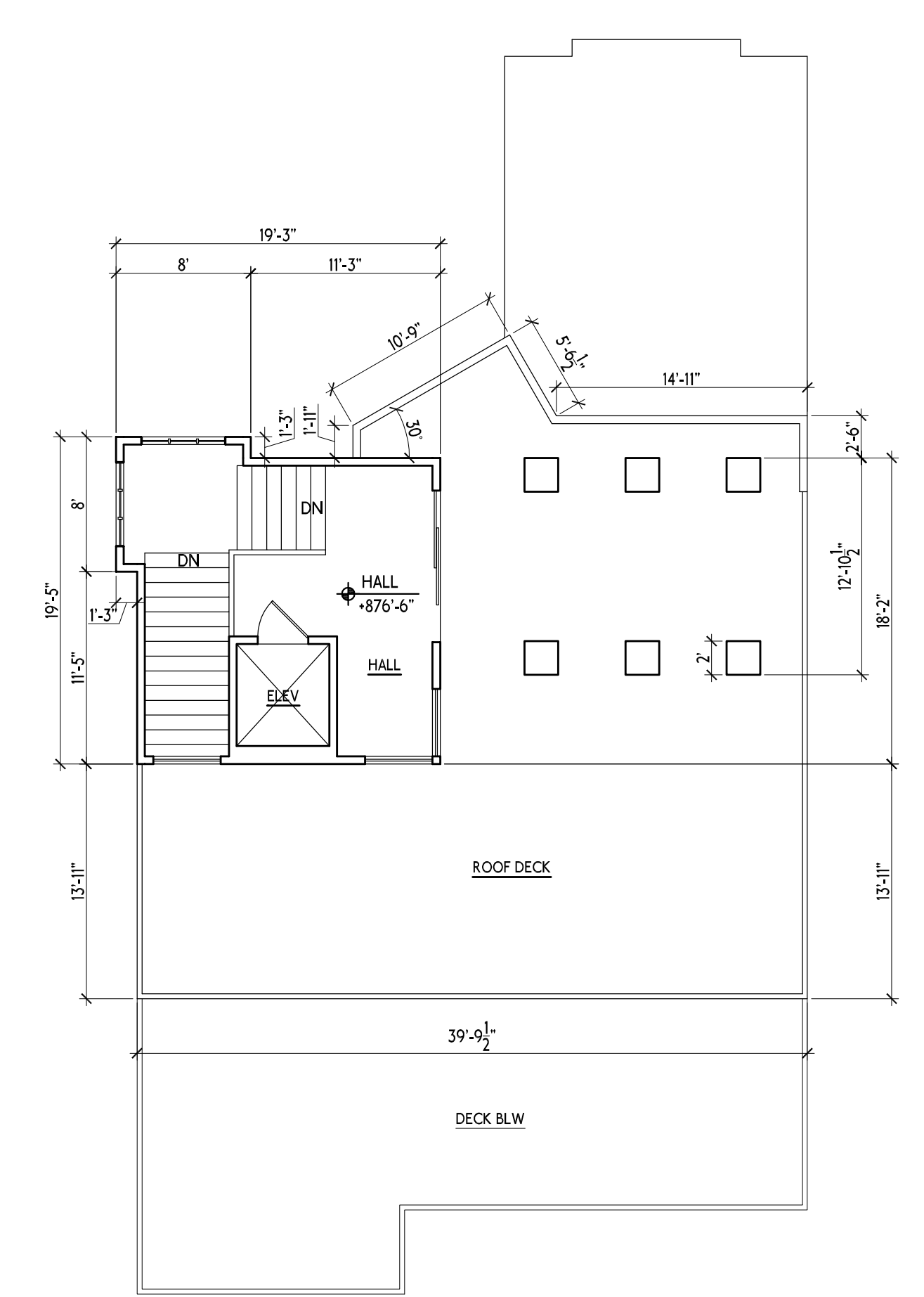
No.	Description	Date

PROJECT No.: _____
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

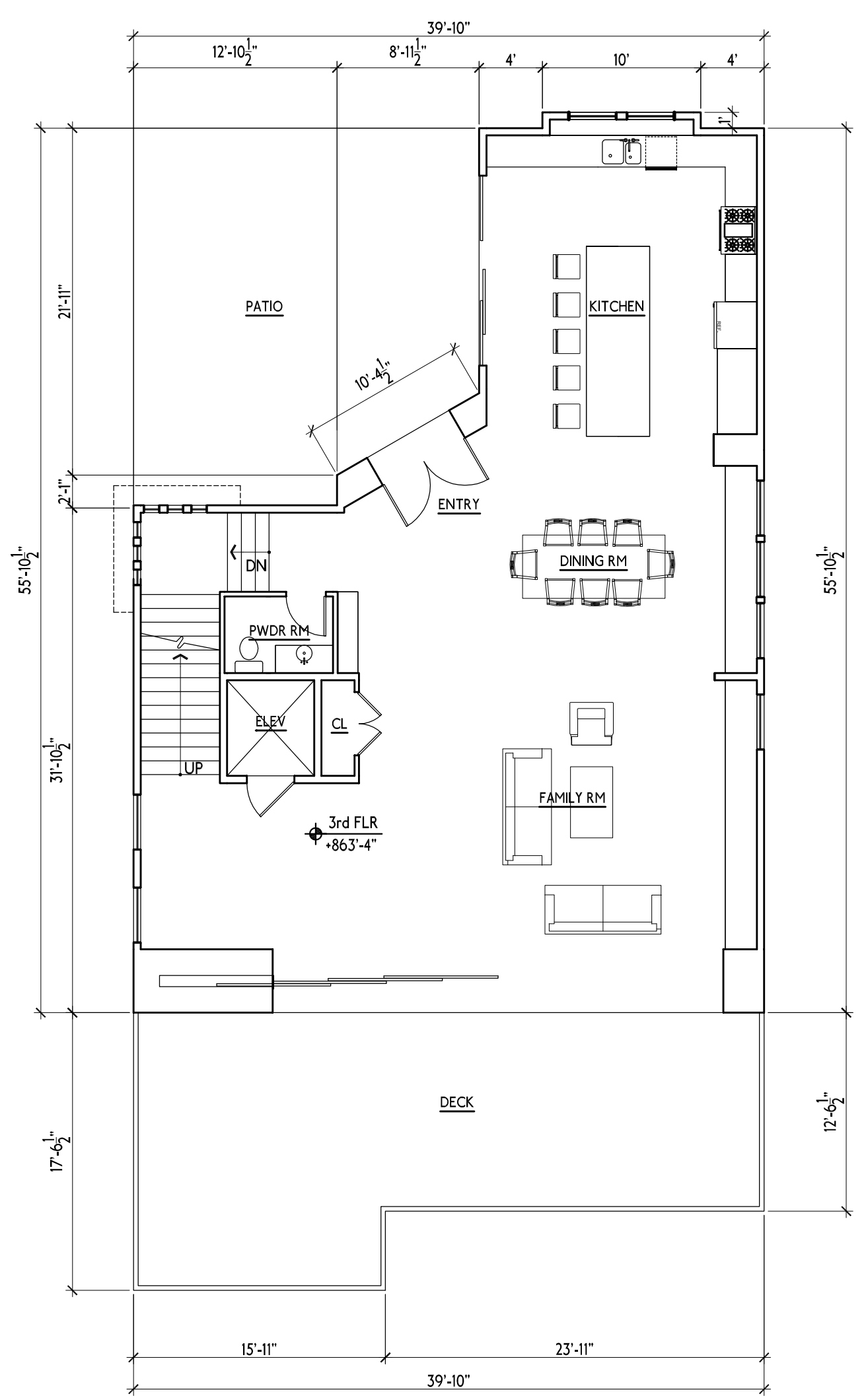
A2.0



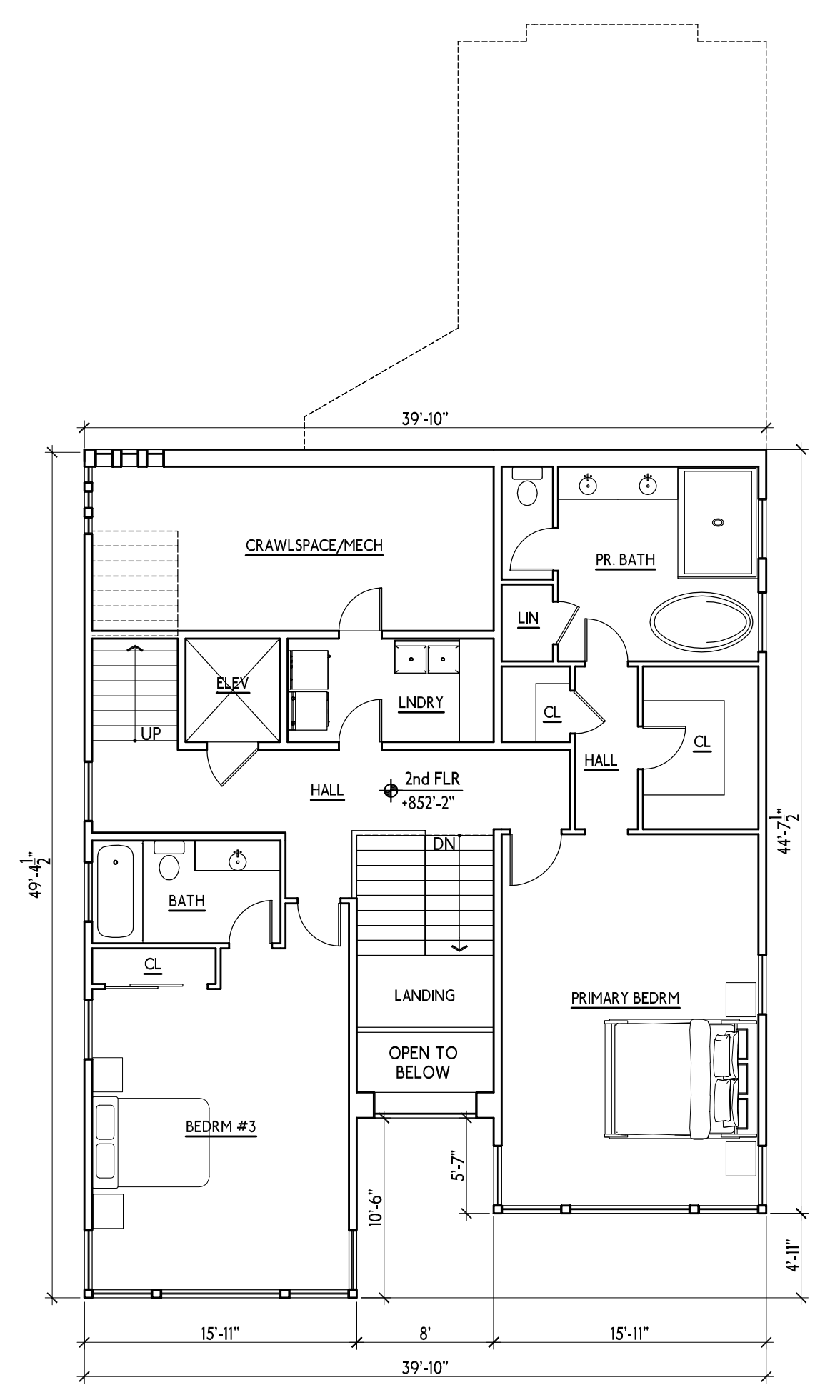
6 ROOF PLAN
A2.0 1/8"=1'-0" 0 2 4 8 16 TRUE NORTH



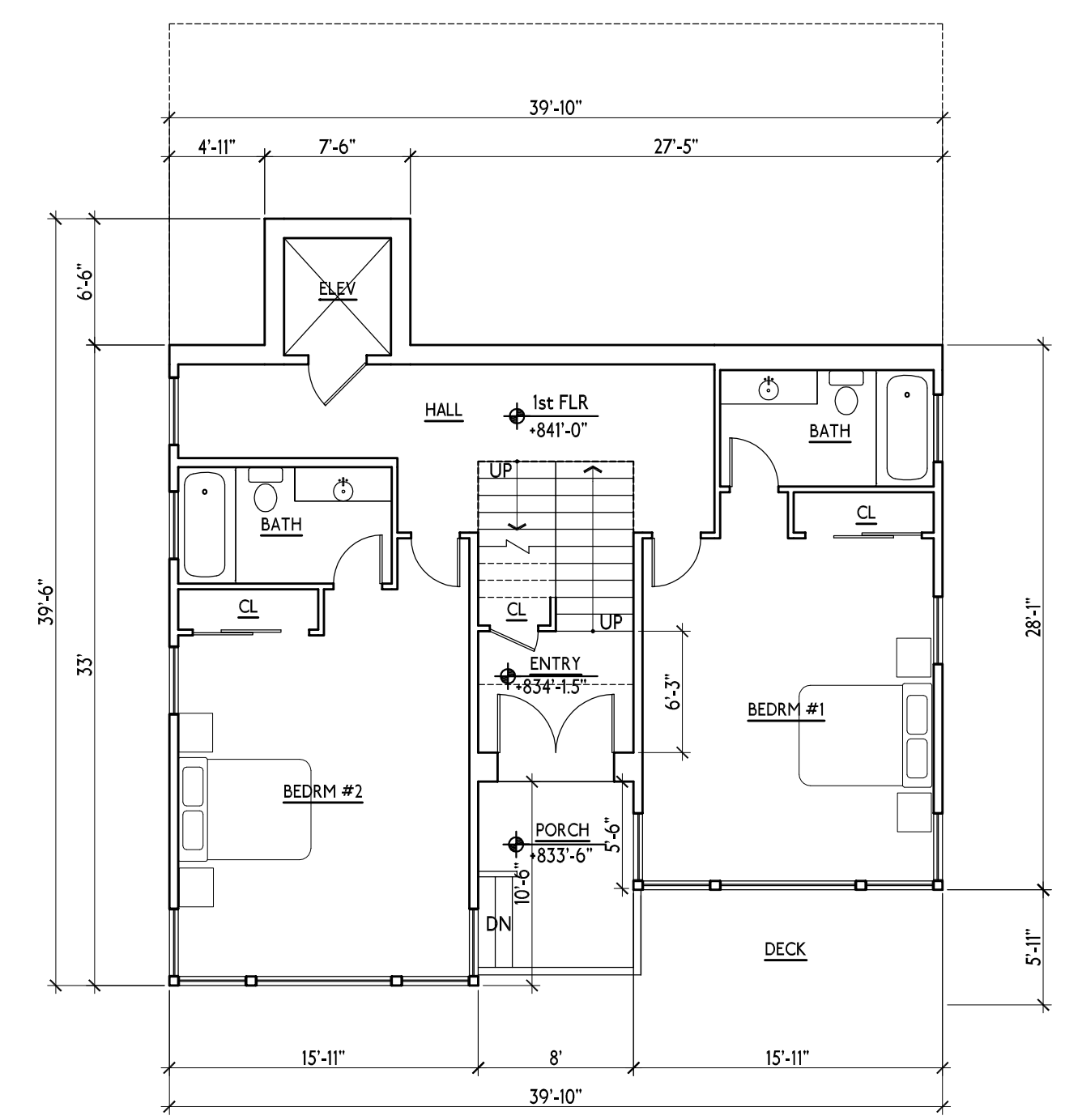
5 ROOF DECK FLOOR PLAN
A2.0 1/8"=1'-0" 245 SF 0 2 4 8 16 TRUE NORTH



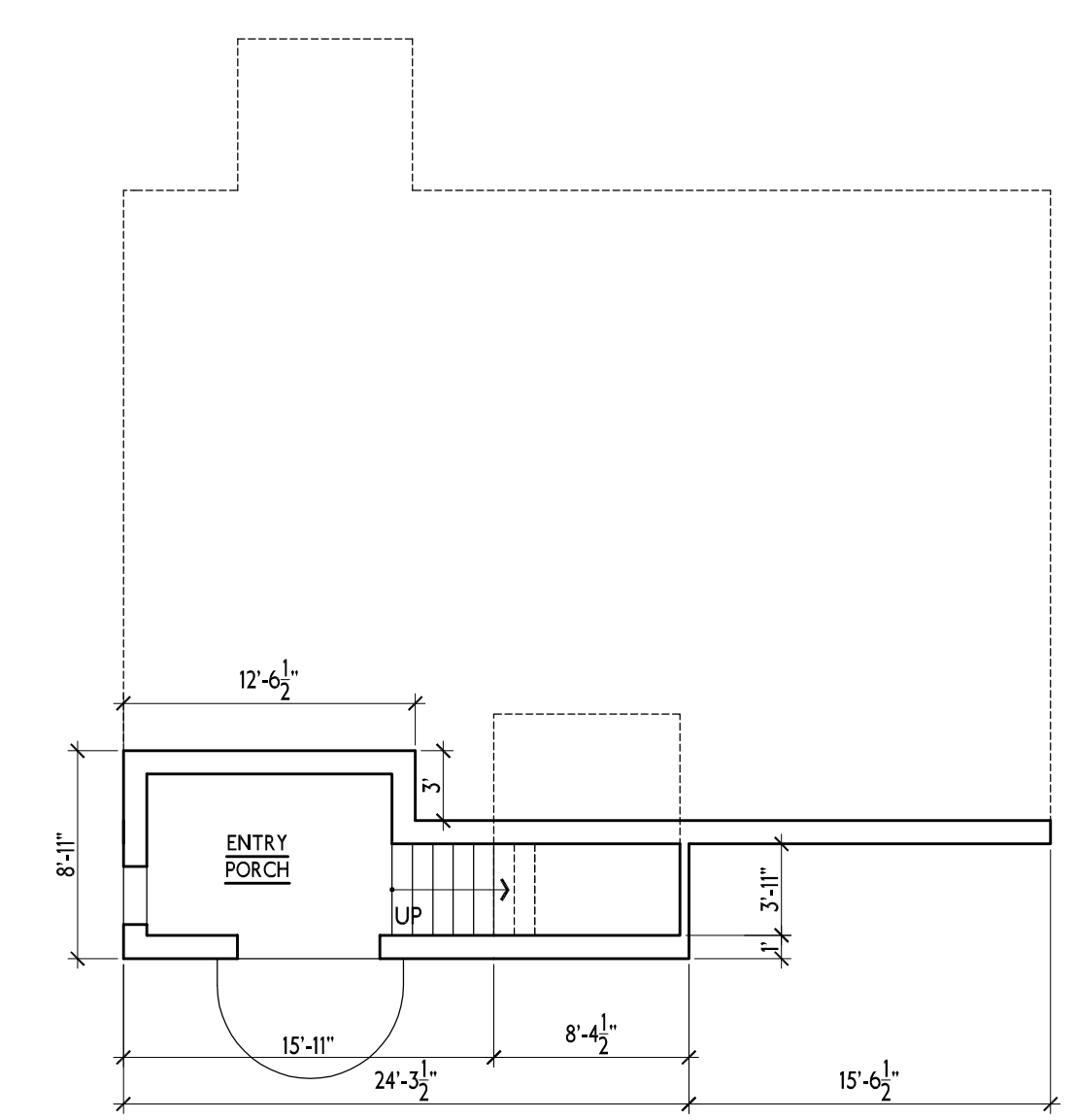
4 3rd FLOOR PLAN
A2.0 1/8"=1'-0" 3rd FLR: 1,689 SF 0 2 4 8 16 TRUE NORTH



3 2nd FLOOR PLAN
A3.0 1/8"=1'-0" 2nd FLR: 1,393 SF 0 2 4 8 16 TRUE NORTH



2 1st FLOOR PLAN
A2.0 1/8"=1'-0" 1st FLR: 1,201 SF 0 2 4 8 16 TRUE NORTH



1 LOWER ENTRY PLAN
A2.0 1/8"=1'-0" 0 2 4 8 16 TRUE NORTH

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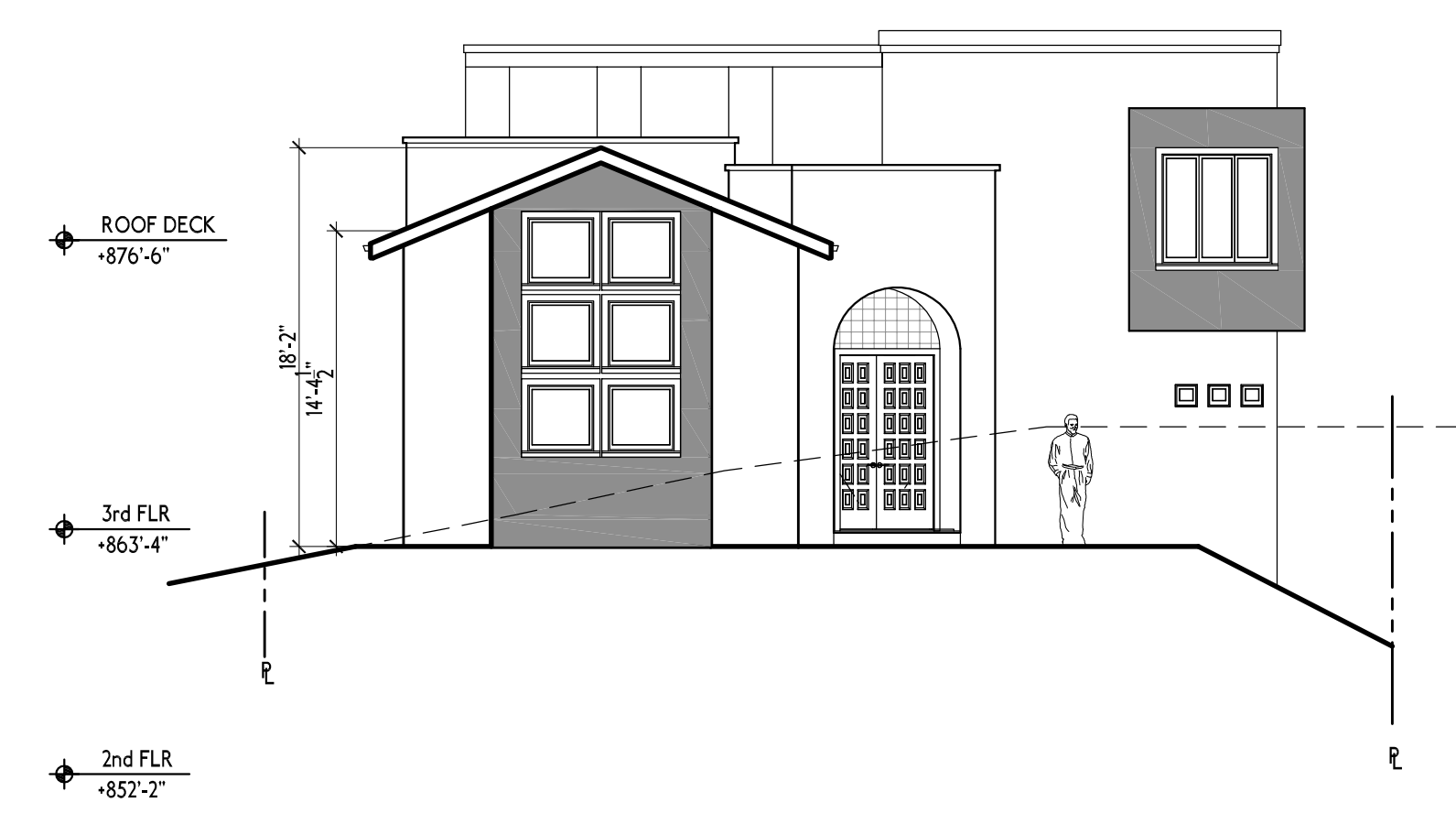
**PROPOSED
ELEVATIONS**

REVISION

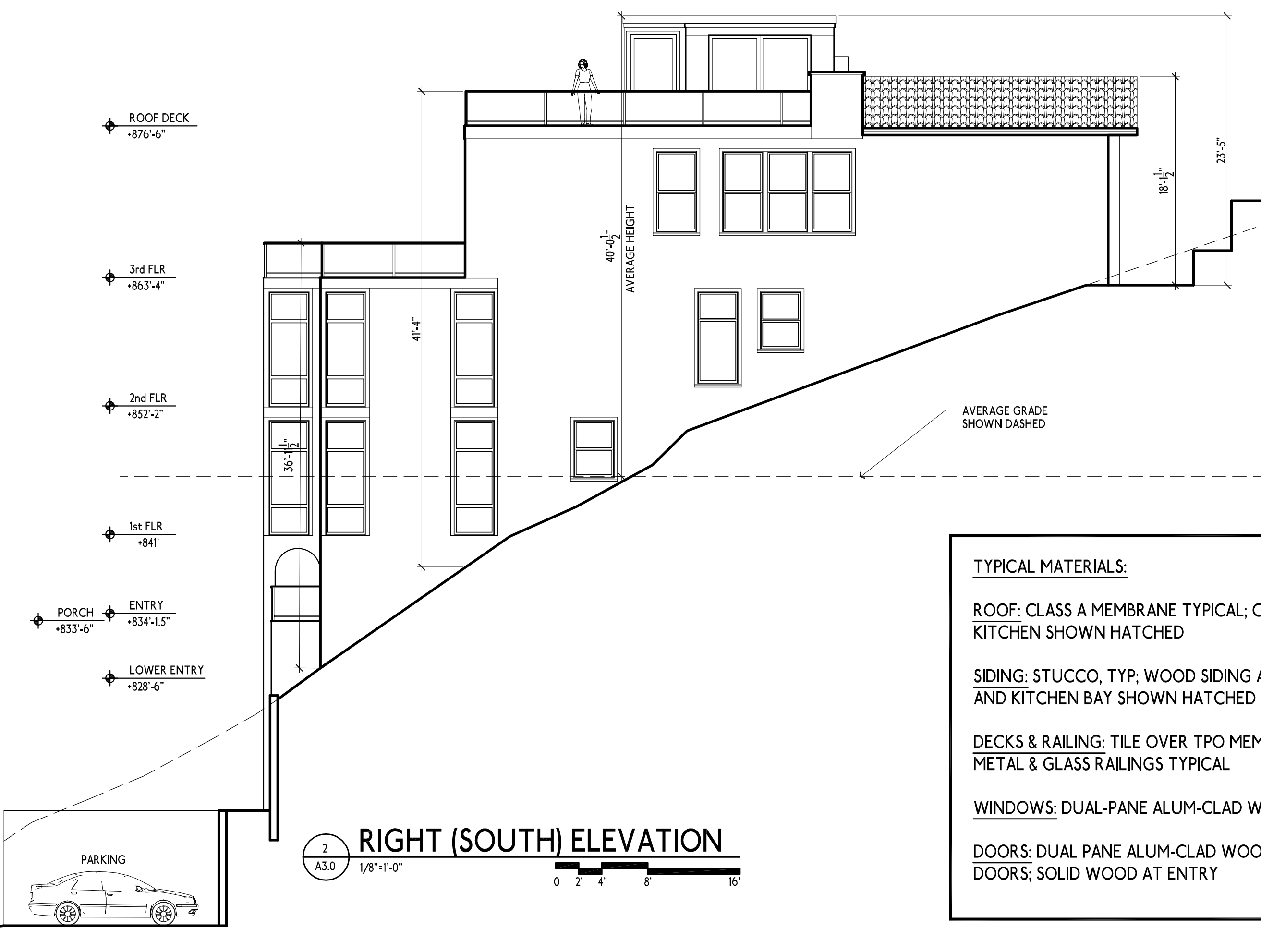
No.	Description	Date

PROJECT No. :
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

A3.0

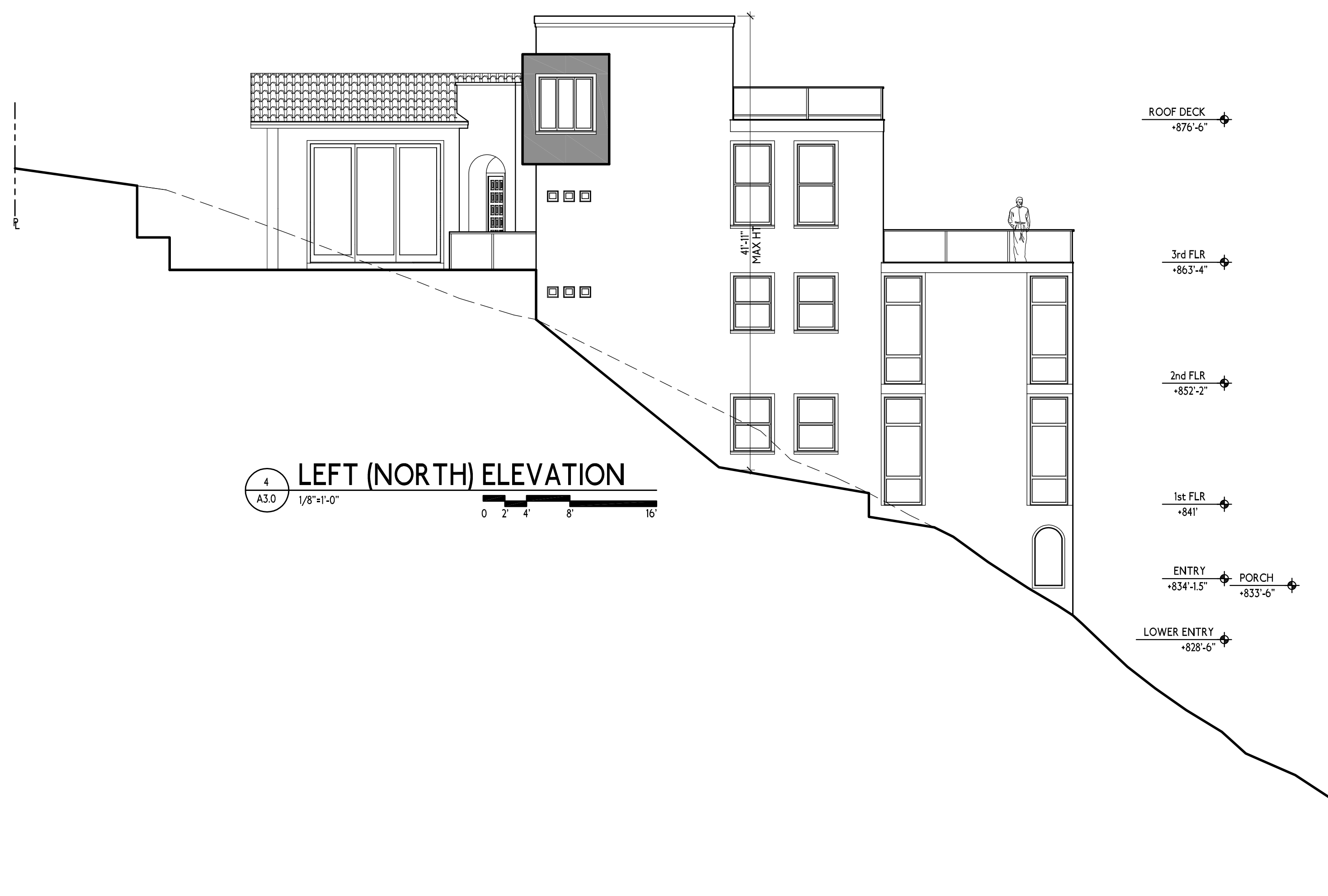


3 REAR (EAST) ELEVATION
A3.0 1/8"=1'-0"

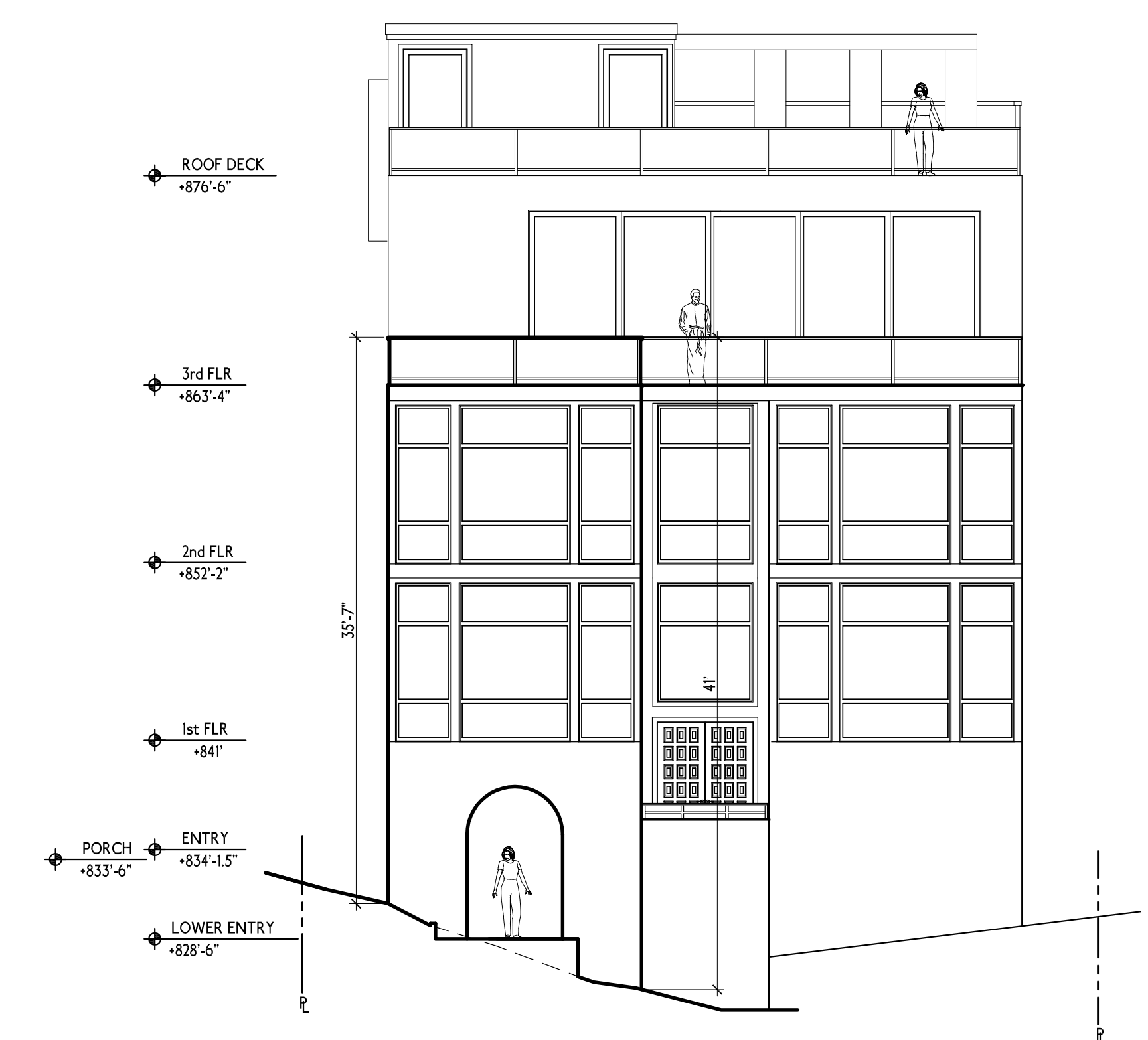


2 RIGHT (SOUTH) ELEVATION
A3.0 1/8"=1'-0"

TYPICAL MATERIALS:
ROOF: CLASS A MEMBRANE TYPICAL; CLAY TILE AT KITCHEN SHOWN HATCHED
SIDING: STUCCO, TYP; WOOD SIDING AT OVERHANG AND KITCHEN BAY SHOWN HATCHED
DECKS & RAILING: TILE OVER TPO MEMBRANE TYP; METAL & GLASS RAILINGS TYPICAL
WINDOWS: DUAL-PANE ALUM-CLAD WOOD
DOORS: DUAL PANE ALUM-CLAD WOOD FRENCH DOORS; SOLID WOOD AT ENTRY



4 LEFT (NORTH) ELEVATION
A3.0 1/8"=1'-0"



1 FRONT (WEST) ELEVATION
A3.0 1/8"=1'-0"

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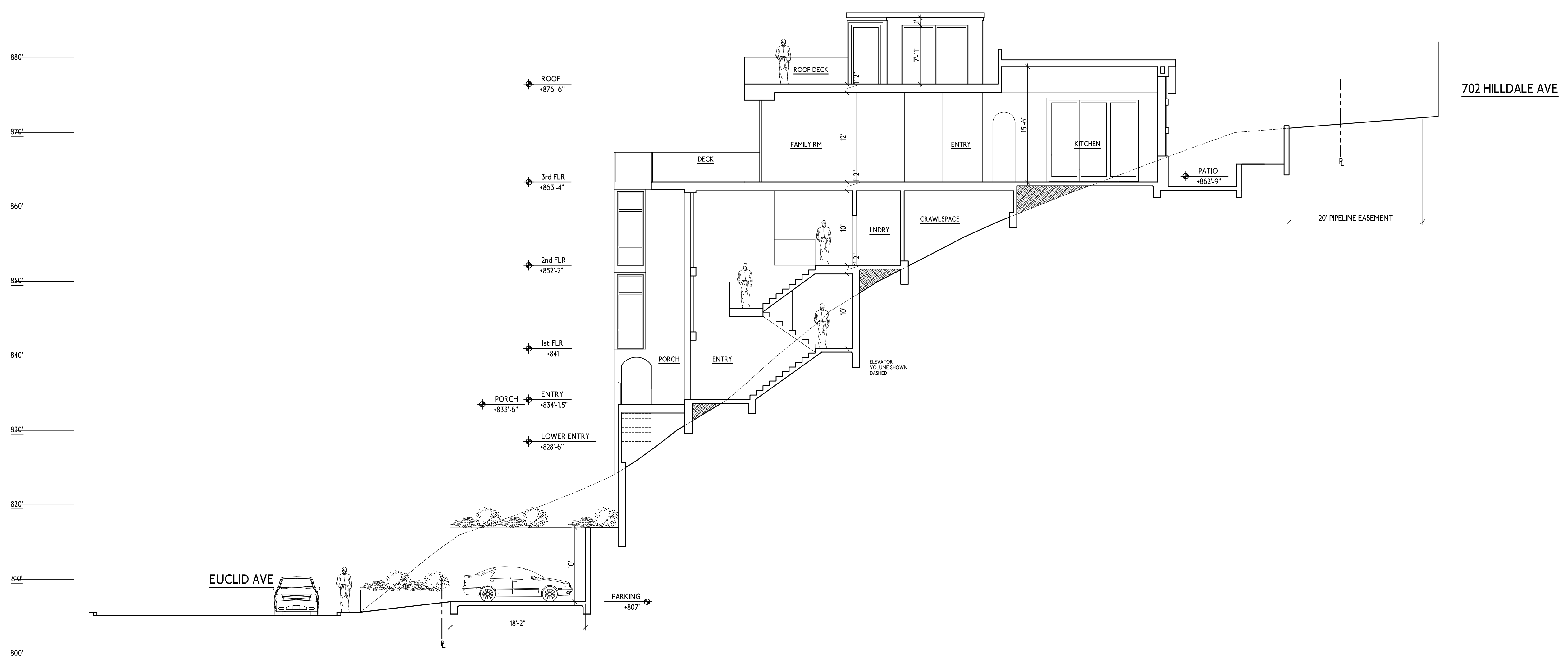
SECTION

REVISION

No.	Description	Date

PROJECT No. :
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

A4.0



SECTION
1
A4.0
1/8"=1'-0"
0 2 4 8 16

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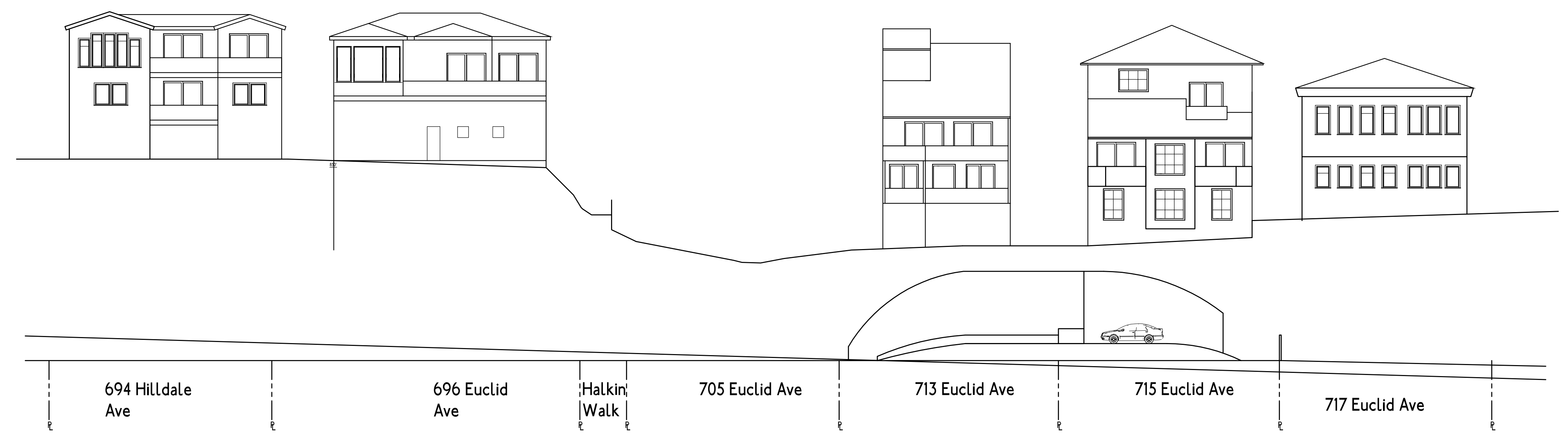
**EXISTING &
PROPOSED
STREETSCAPE**

REVISION

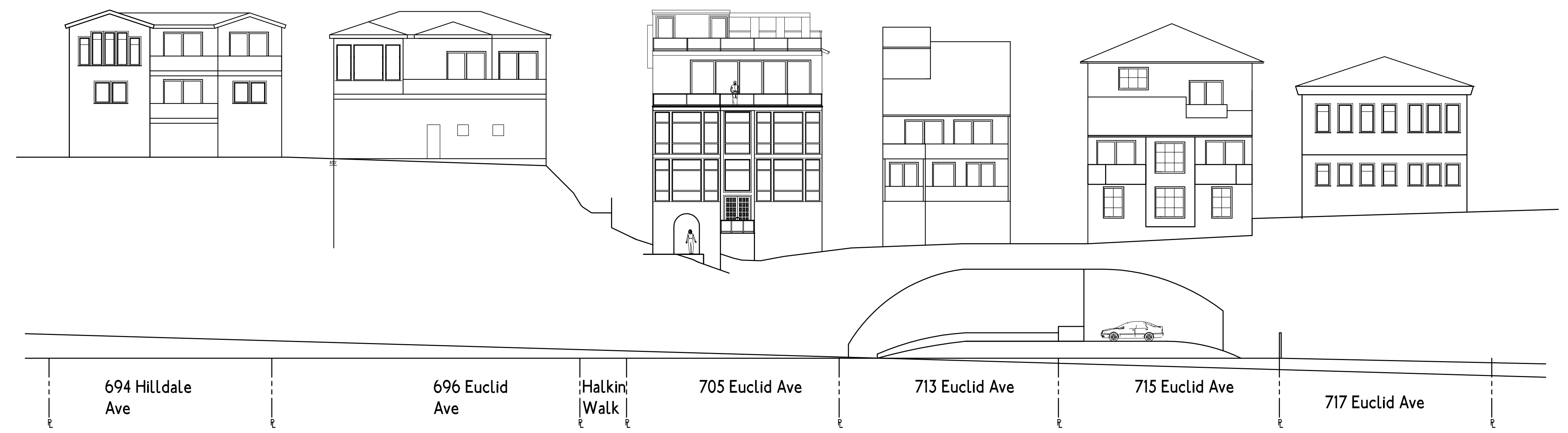
No.	Description	Date

PROJECT No. :
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

A5.0



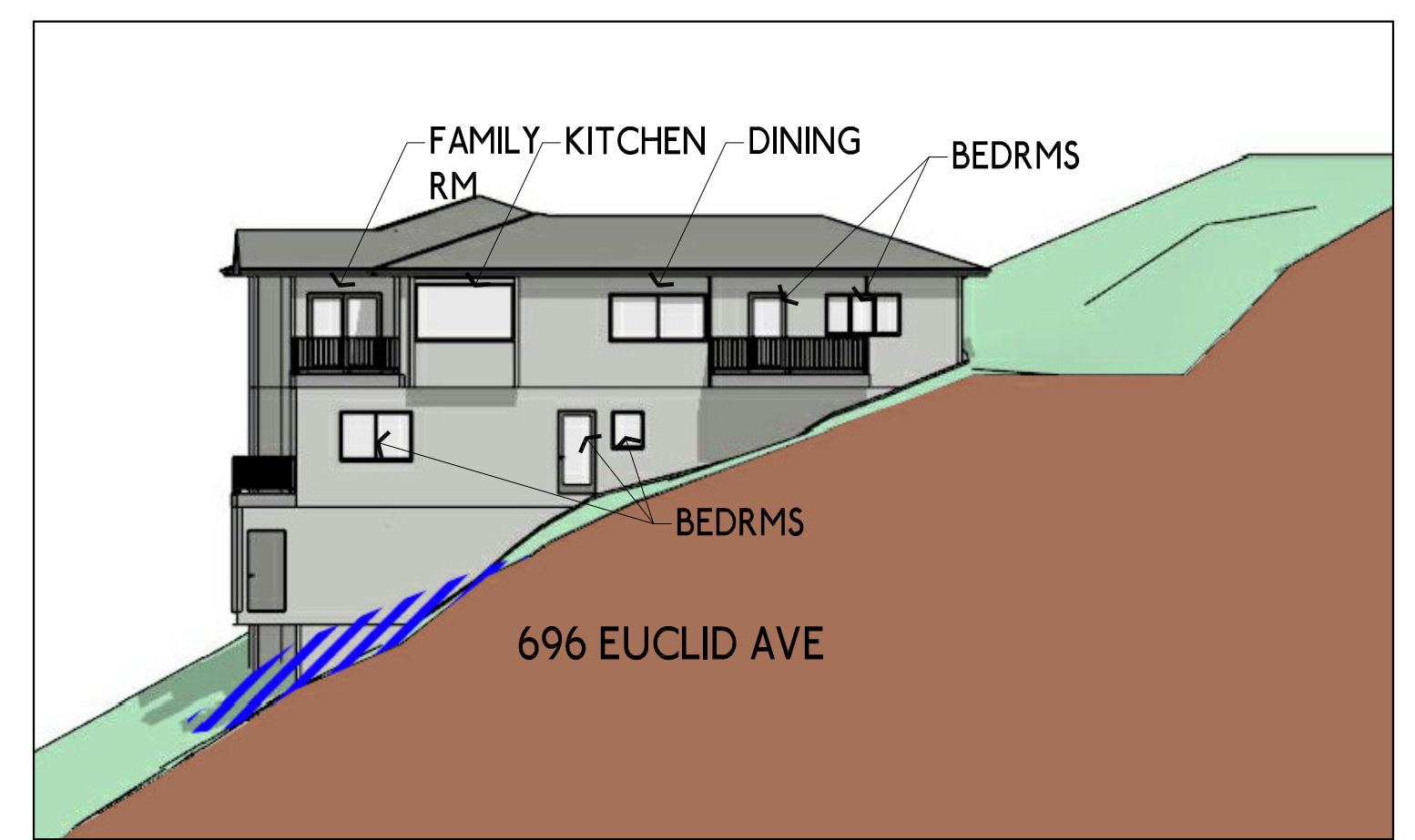
EXISTING STREETSCAPE
AS.0 1/16"=1'-0"
0 4 8 16 32



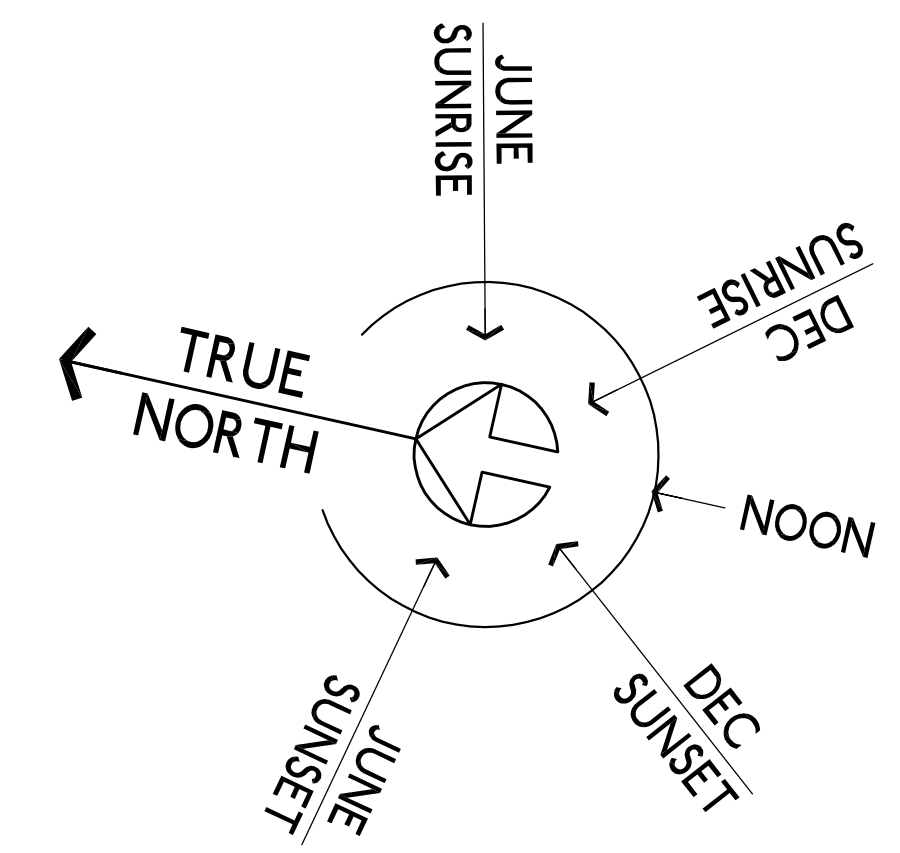
PROPOSED STREETSCAPE
AS.0 1/16"=1'-0"
0 4 8 16 32

NEW RESIDENCE

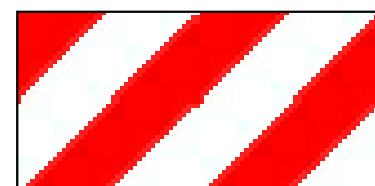
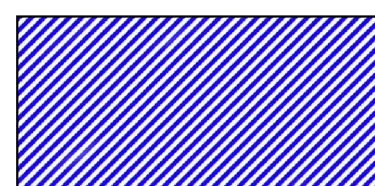
705 Euclid Ave, Berkeley, CA 94708
APN: 63-2955-40-1



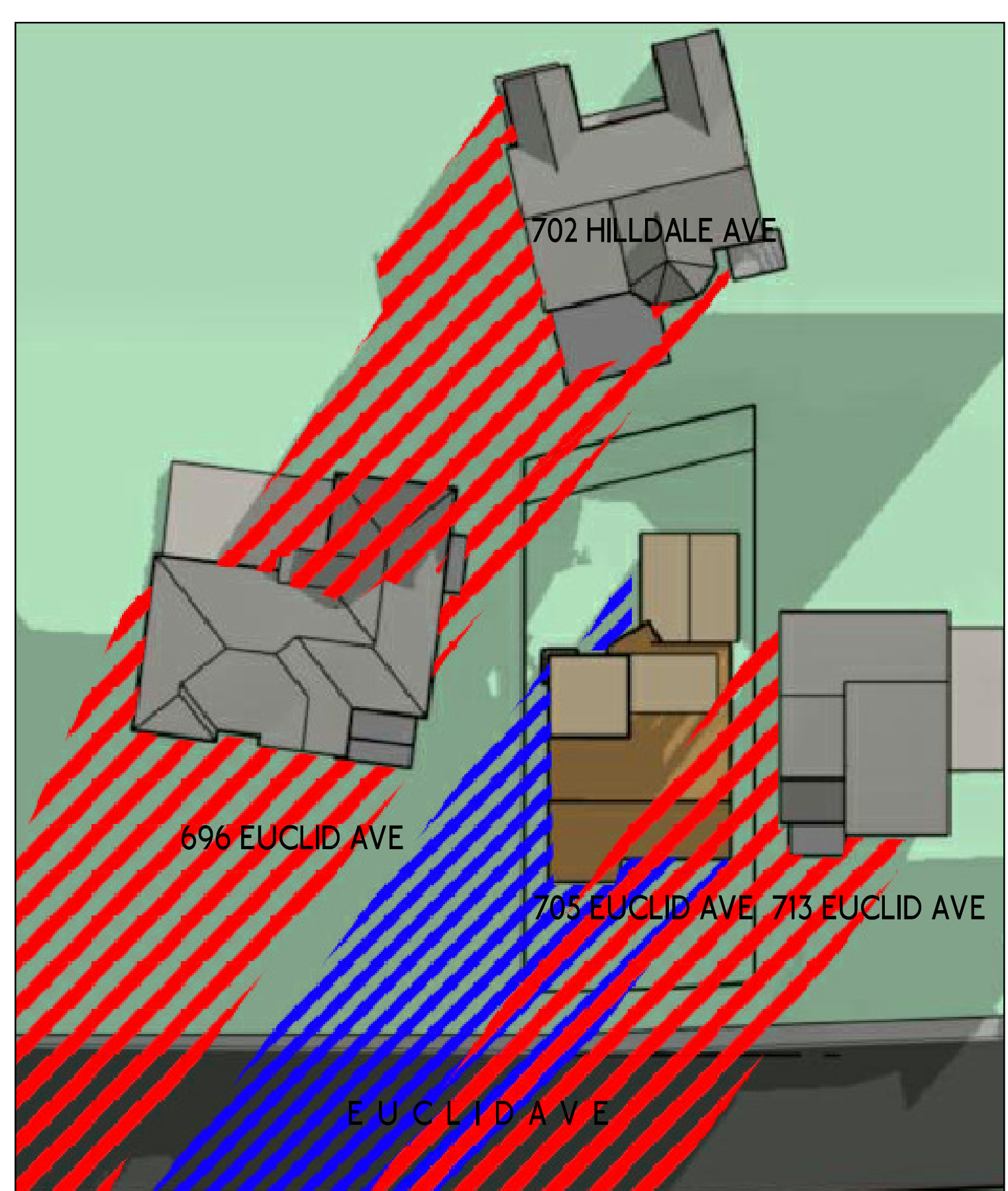
FEBRUARY 26-NOON




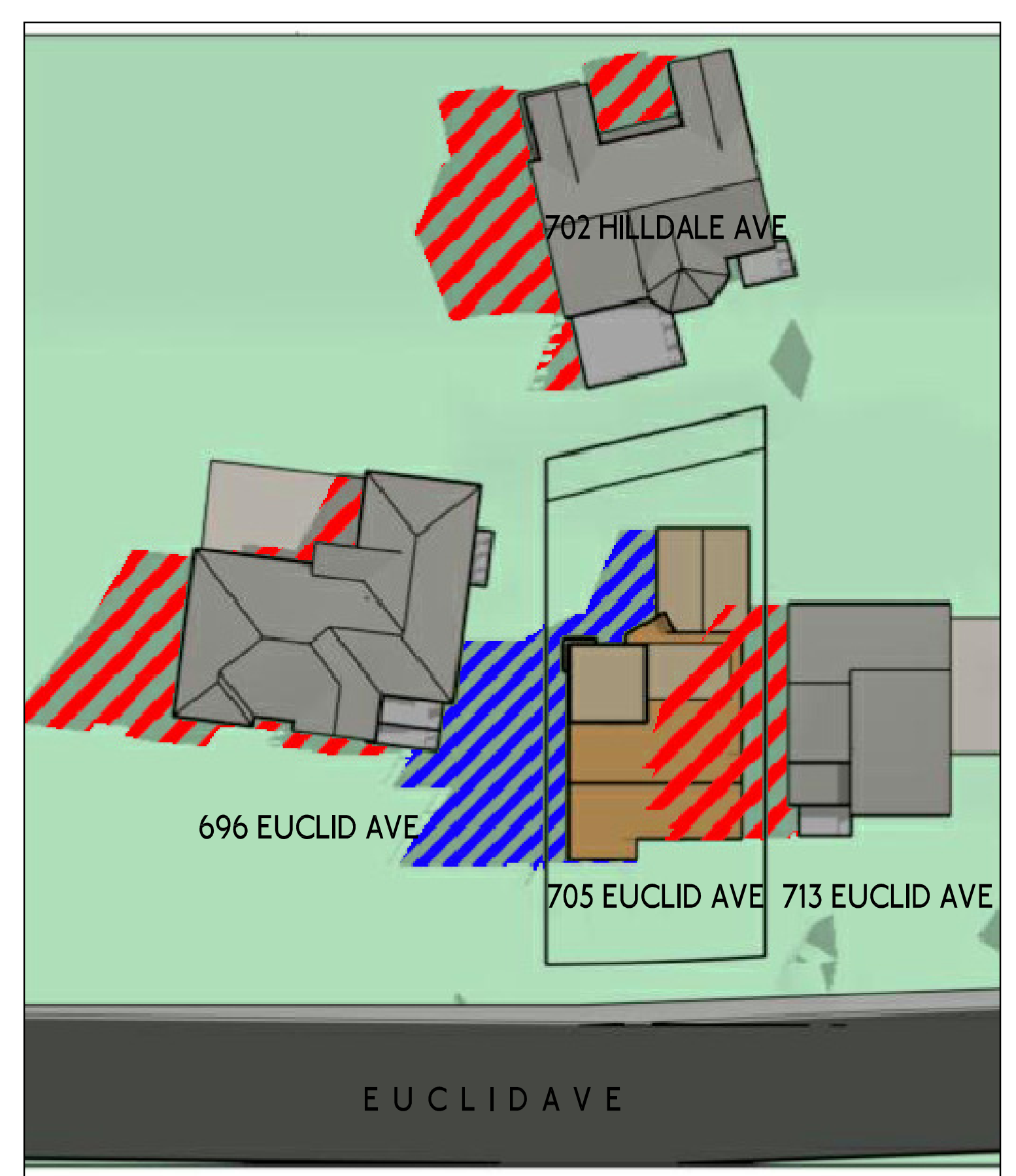
LEGEND


-  NEIGHBORING BUILDINGS EXISTING SHADOW
-  NEW SHADOW

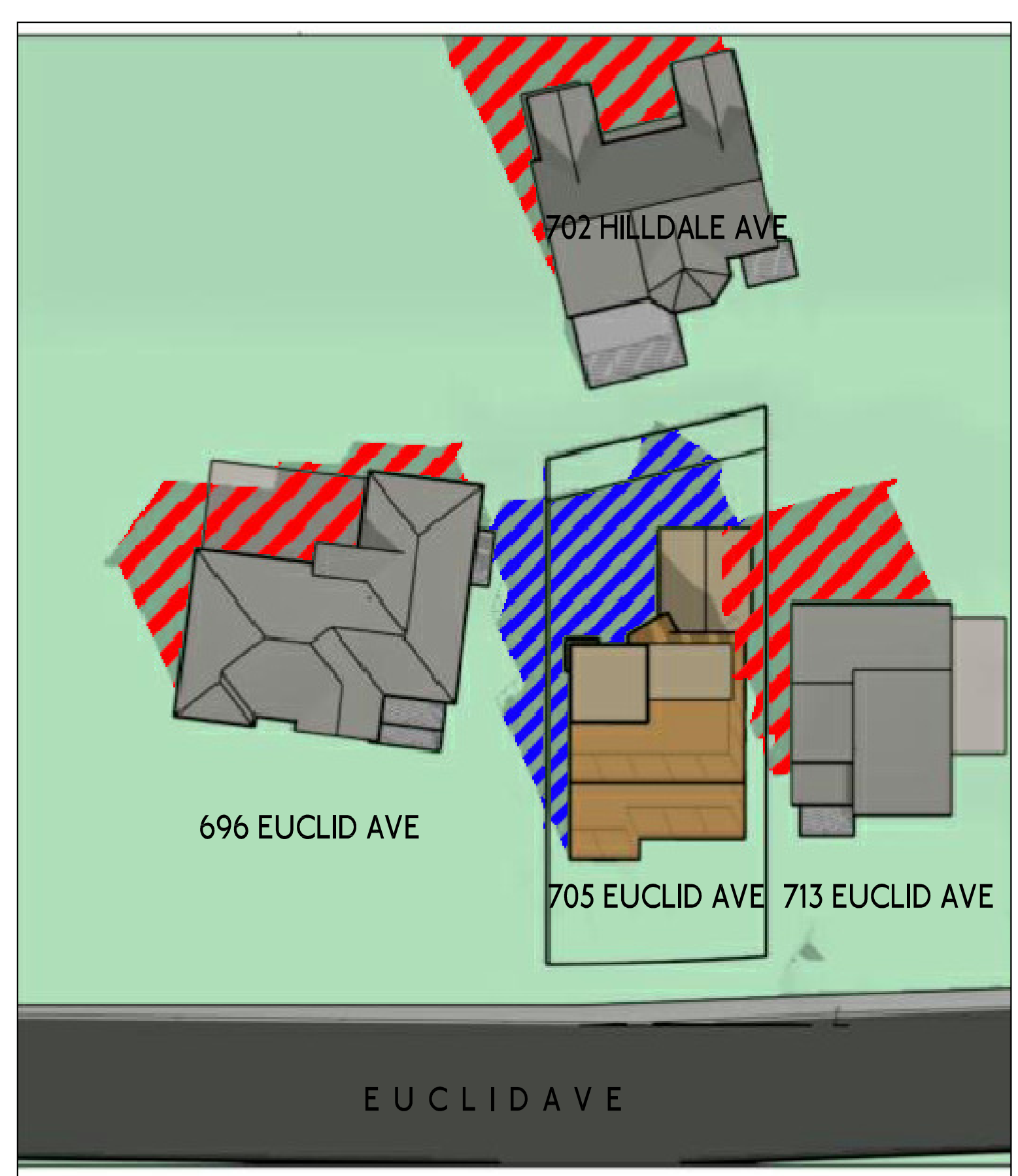
NOTE:
SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 705 EUCLID AVE. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.




1 FEBRUARY 26-8:45 AM  TRUE NORTH



2 FEBRUARY 26-NOON  TRUE NORTH



3 FEBRUARY 26-4:00 PM  TRUE NORTH

John Newton
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5666 Telegraph Ave, Ste A
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DESIGN CONSULTATION
& PROJECT MANAGEMENT

NEW RESIDENCE

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Berkeley, CA 94708
APN: 63-2955-40-1

OWNER:
Tarek Khoury
903 Ventura Ave.,
Albany, CA 94707
(510)-387-7100

SHADOW STUDY PART 1

REVISION

No.	Description	Date

PROJECT No. :
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

A6.0

NEW RESIDENCE

705 Euclid Ave, Berkeley, CA 94708

APN: 63-2955-40-1

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5666 Telegraph Ave, Ste A
Oakland, CA 94609
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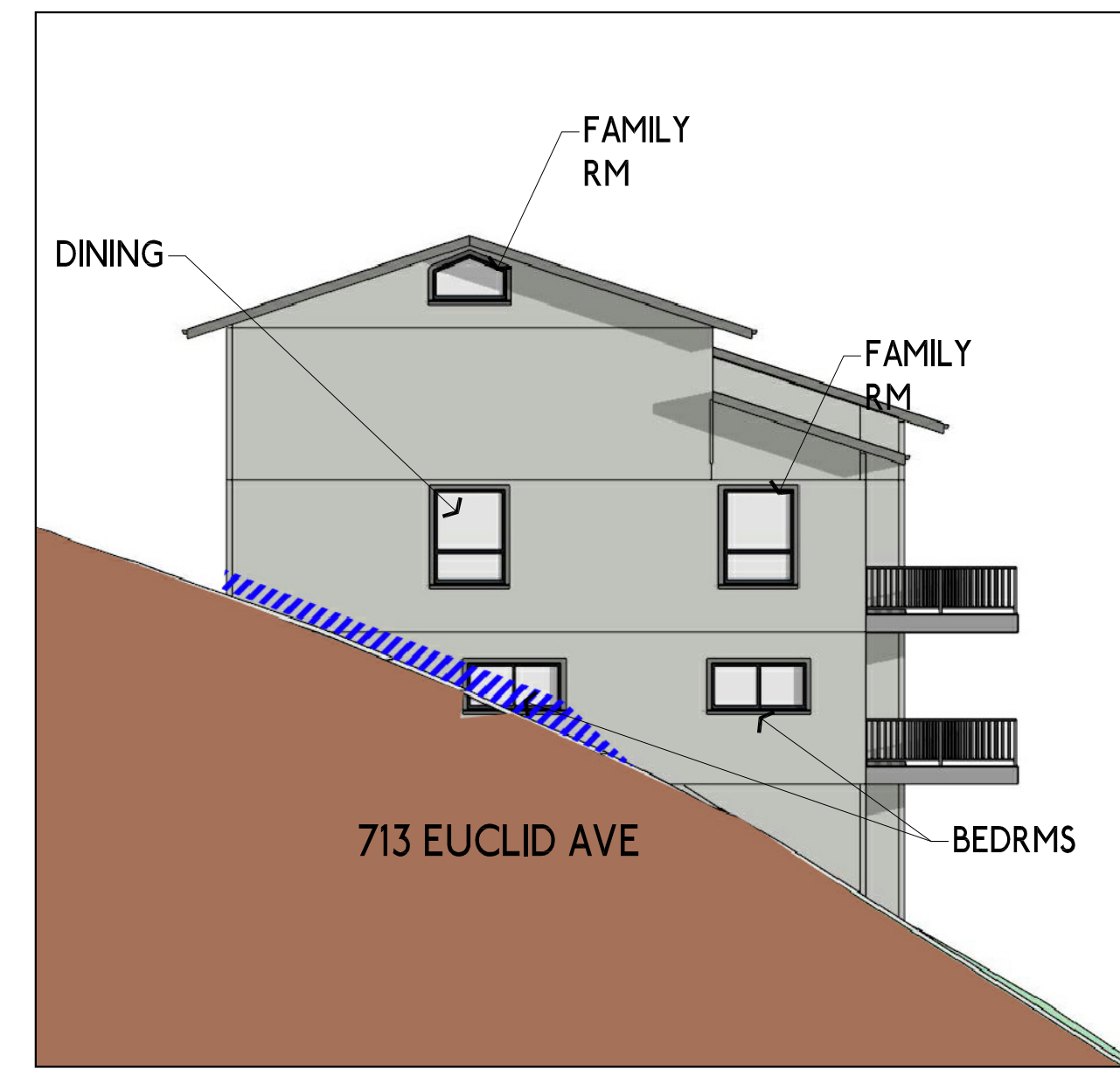
CM Engineers
(925) 818-0570
Cyrus Mashhoodi, PE
REGISTERED DESIGN
PROFESSIONAL IN
RESPONSIBLE CHARGE

NEW RESIDENCE

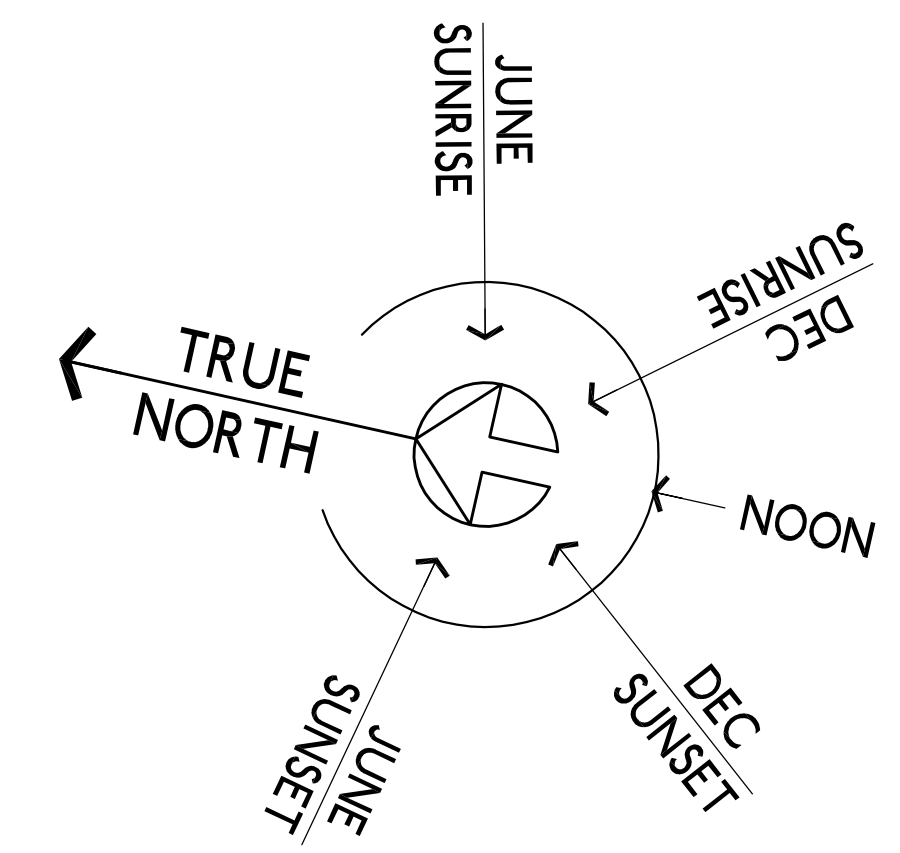
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SHADOW STUDY PART 2

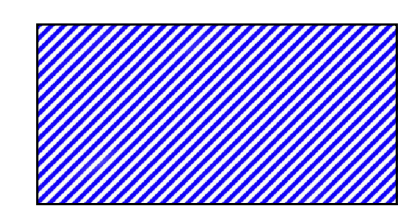


JUNE 21-6:35 PM

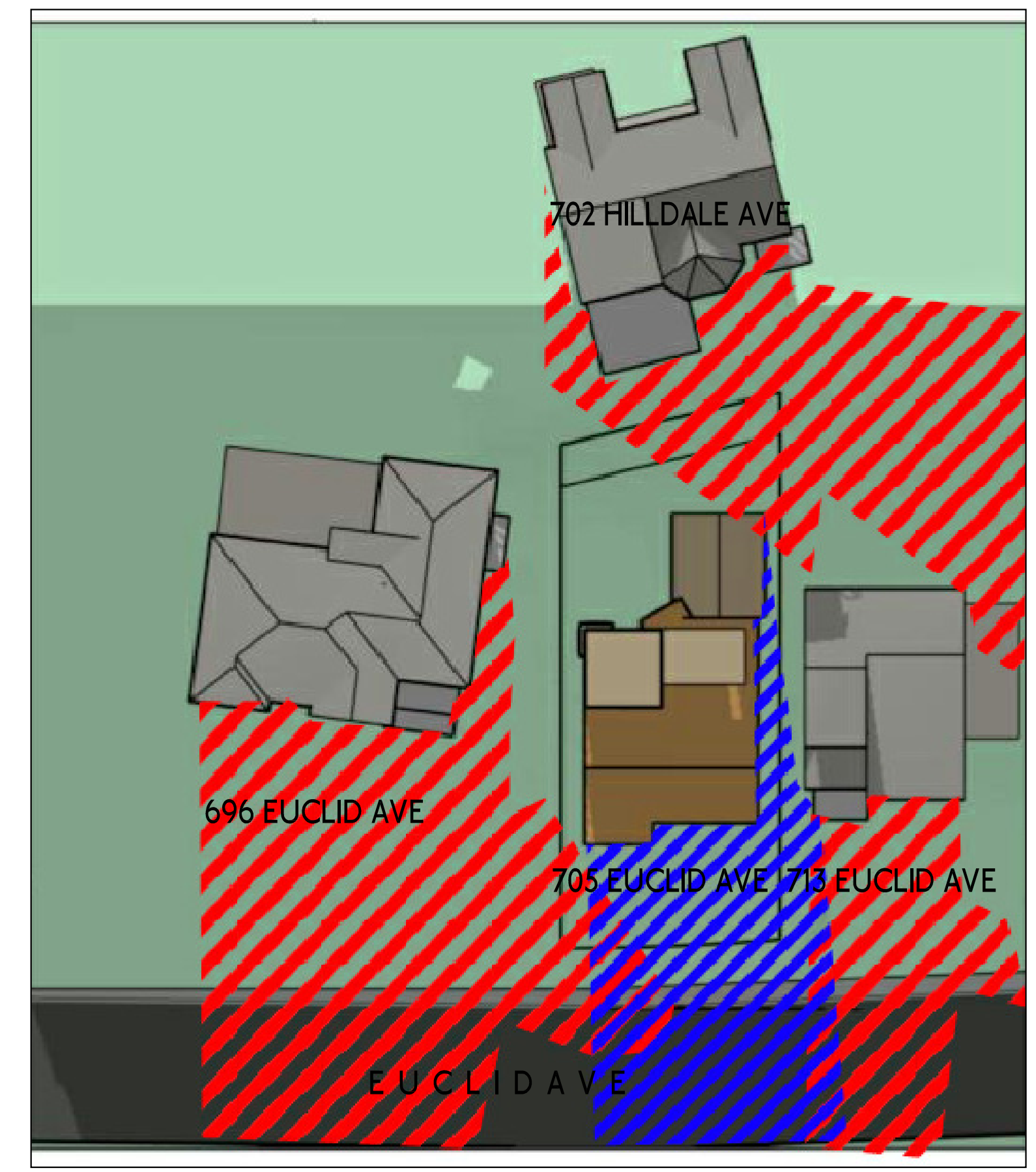


LEGEND

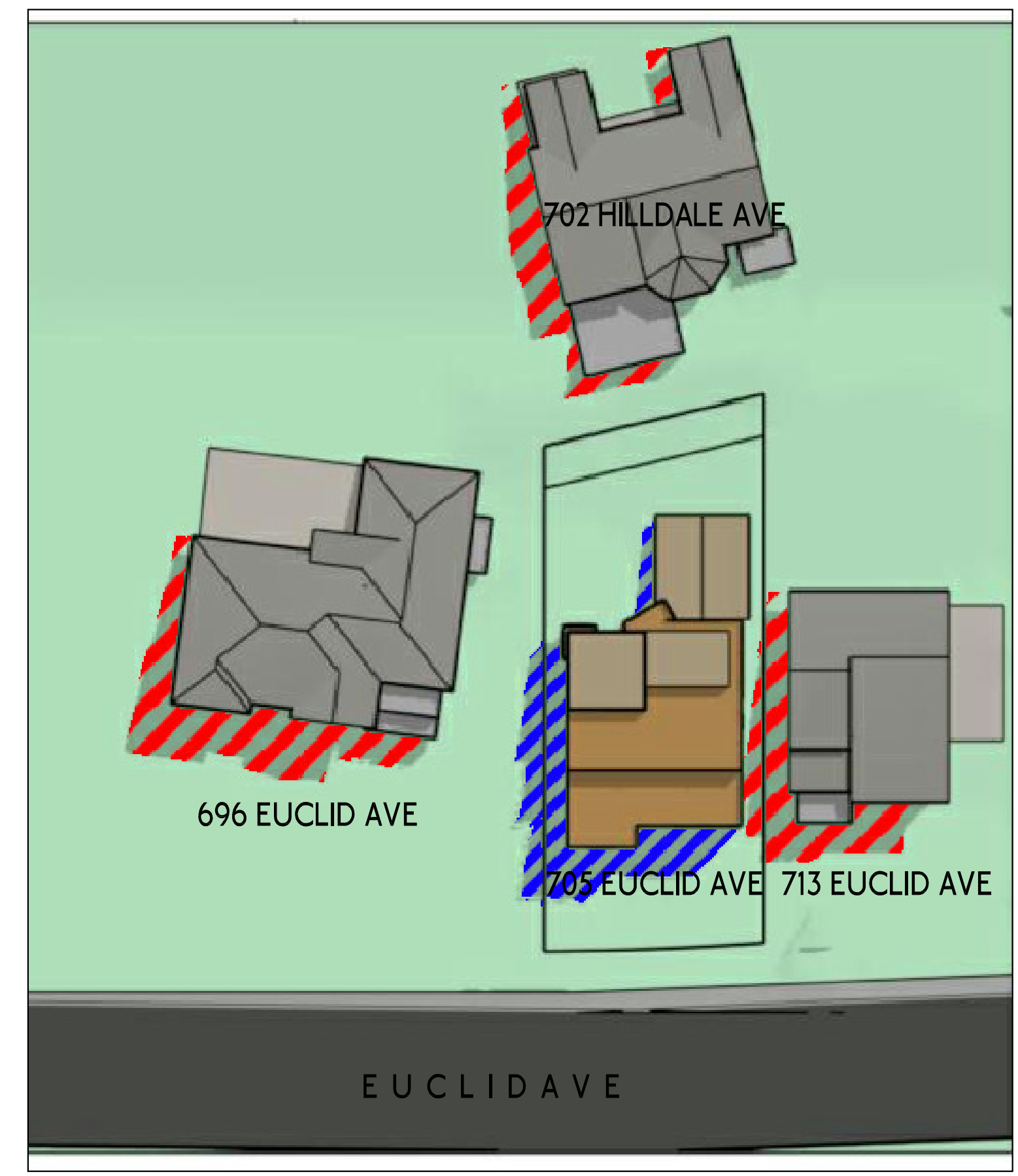
 NEIGHBORING BUILDINGS EXISTING SHADOW

 NEW SHADOW

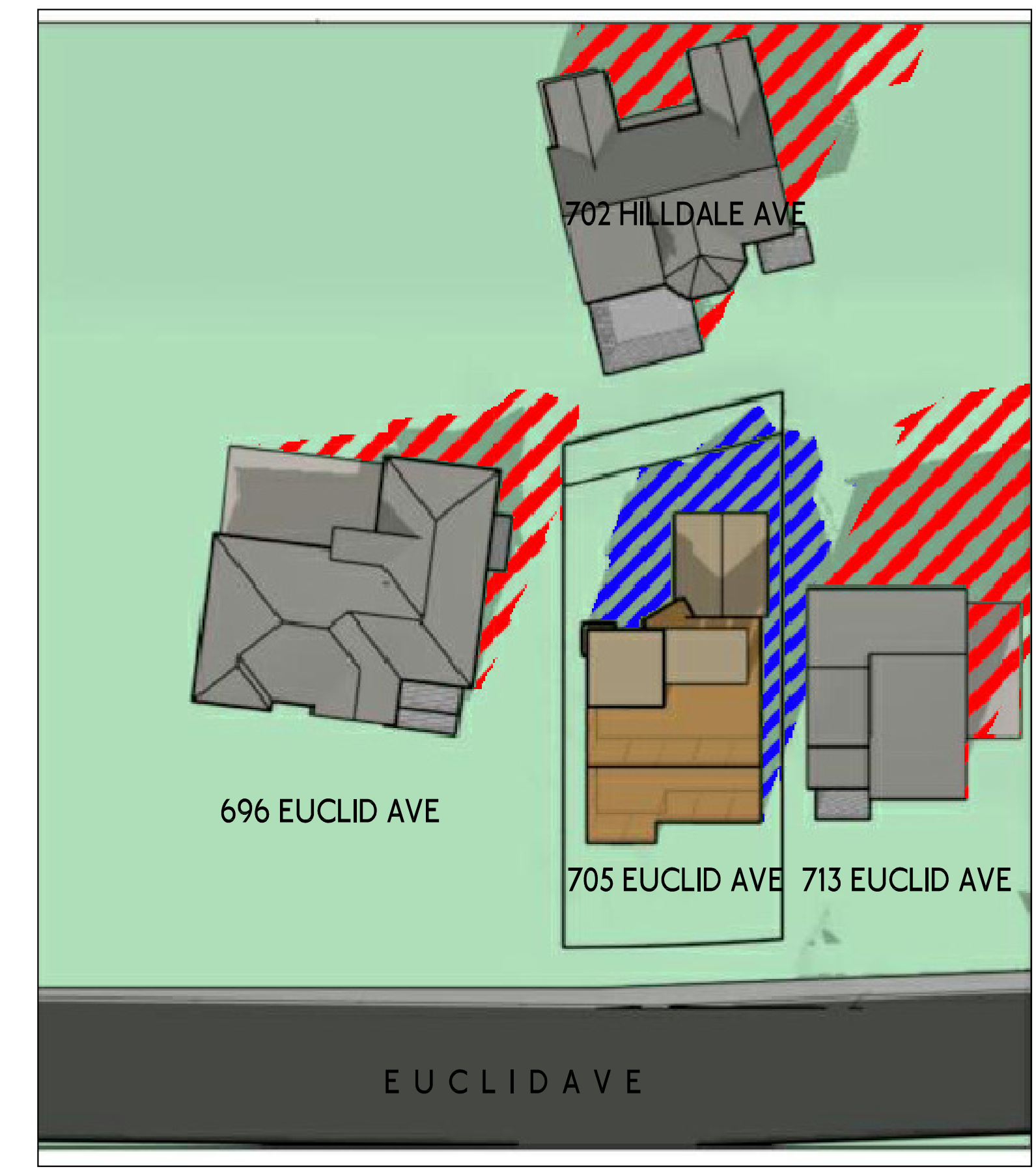
NOTE:
SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 705 EUCLID AVE. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.



1
AS1 JUNE 21-7:47 AM



2
AS1 JUNE 21-NOON



3
AS1 JUNE 21-6:35 PM

REVISION

No.	Description	Date

PROJECT No. :
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

A6.1

NEW RESIDENCE

705 Euclid Ave, Berkeley, CA 94708
APN: 63-2955-40-1

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Design & Development
5666 Telegraph Ave, Ste A
Oakland, CA 94609
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DESIGN CONSULTATION
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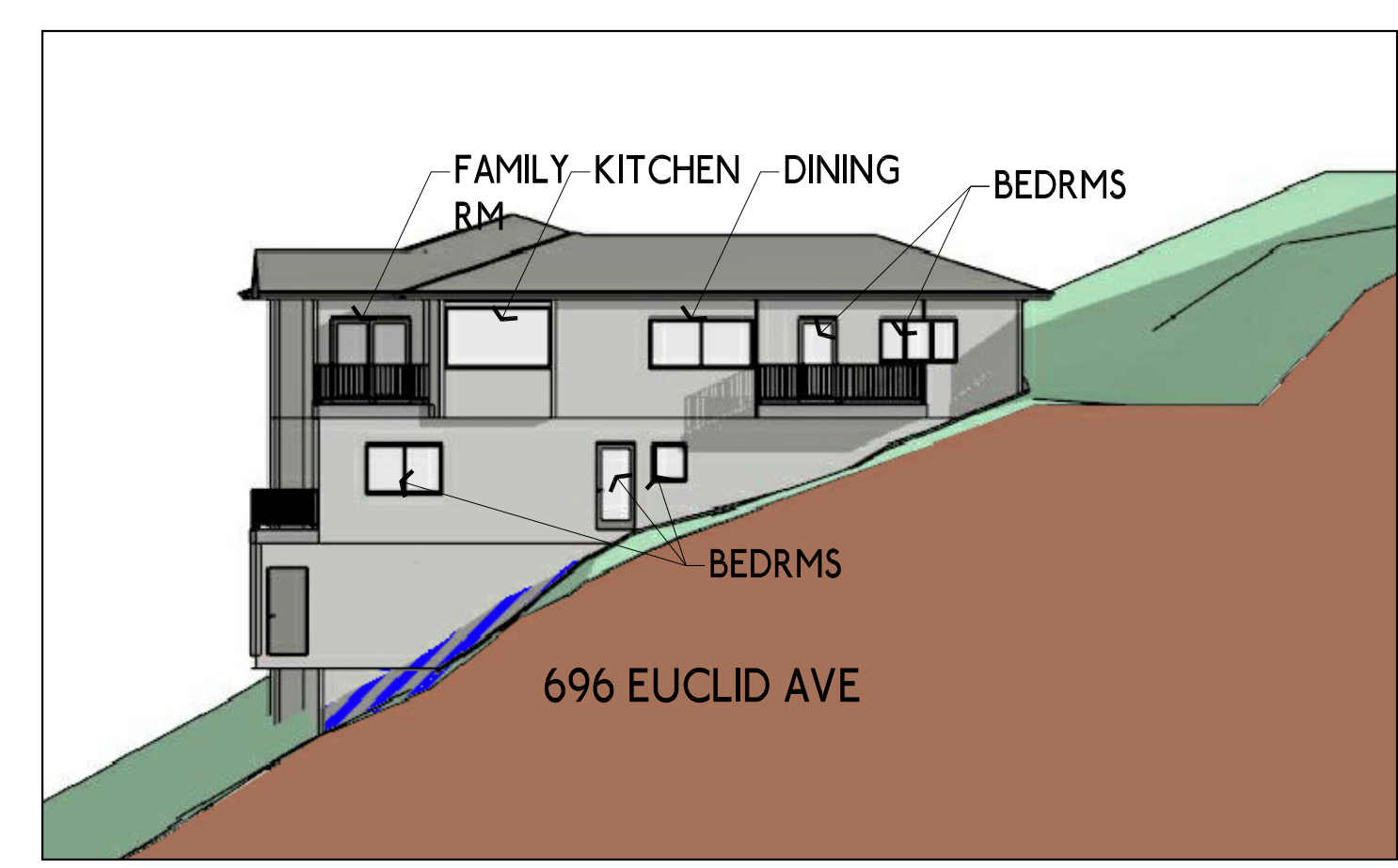
CM Engineers
(925) 818-0570
Cyrus Mashhoodi, PE
REGISTERED DESIGN
PROFESSIONAL IN
RESPONSIBLE CHARGE

NEW RESIDENCE

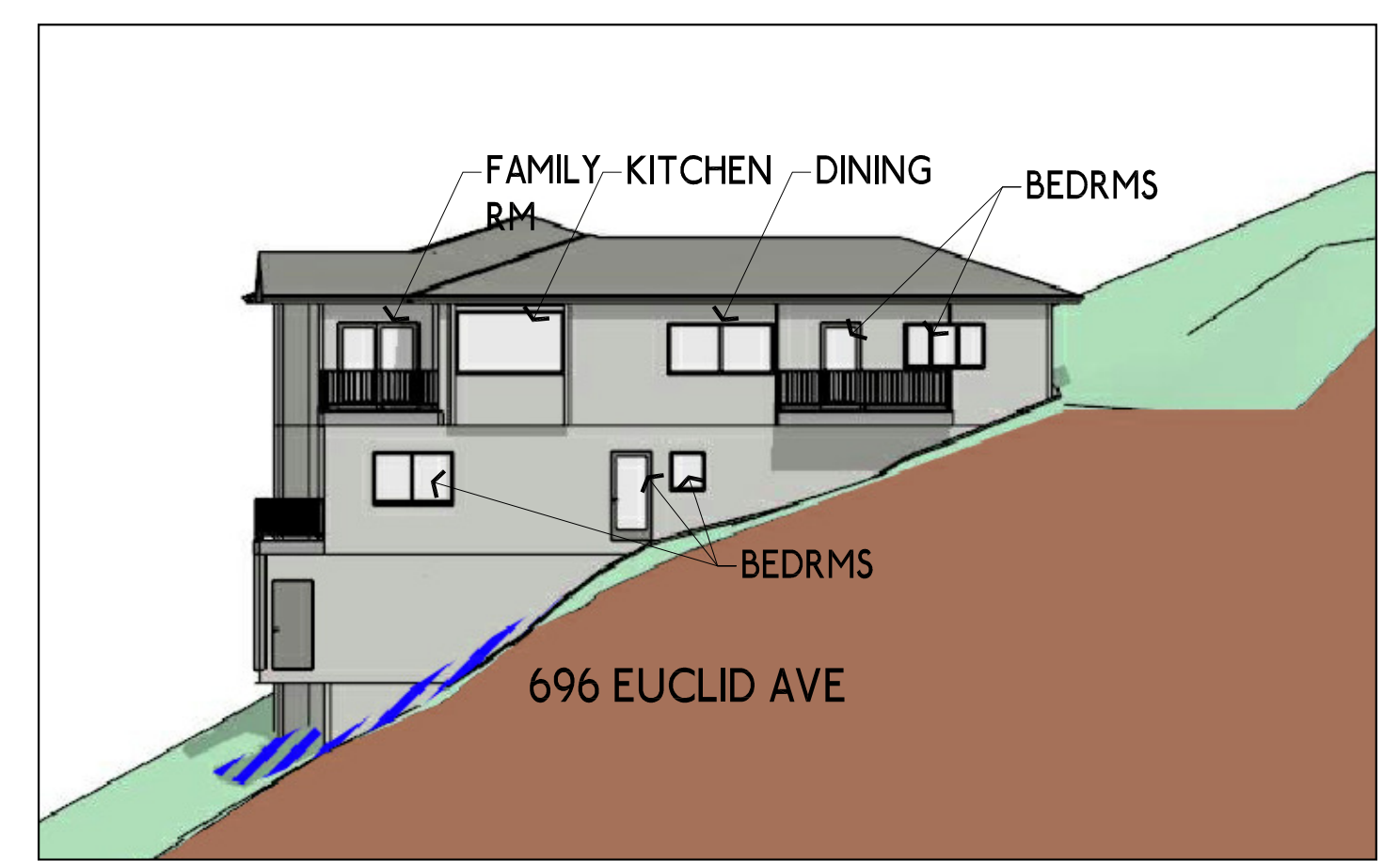
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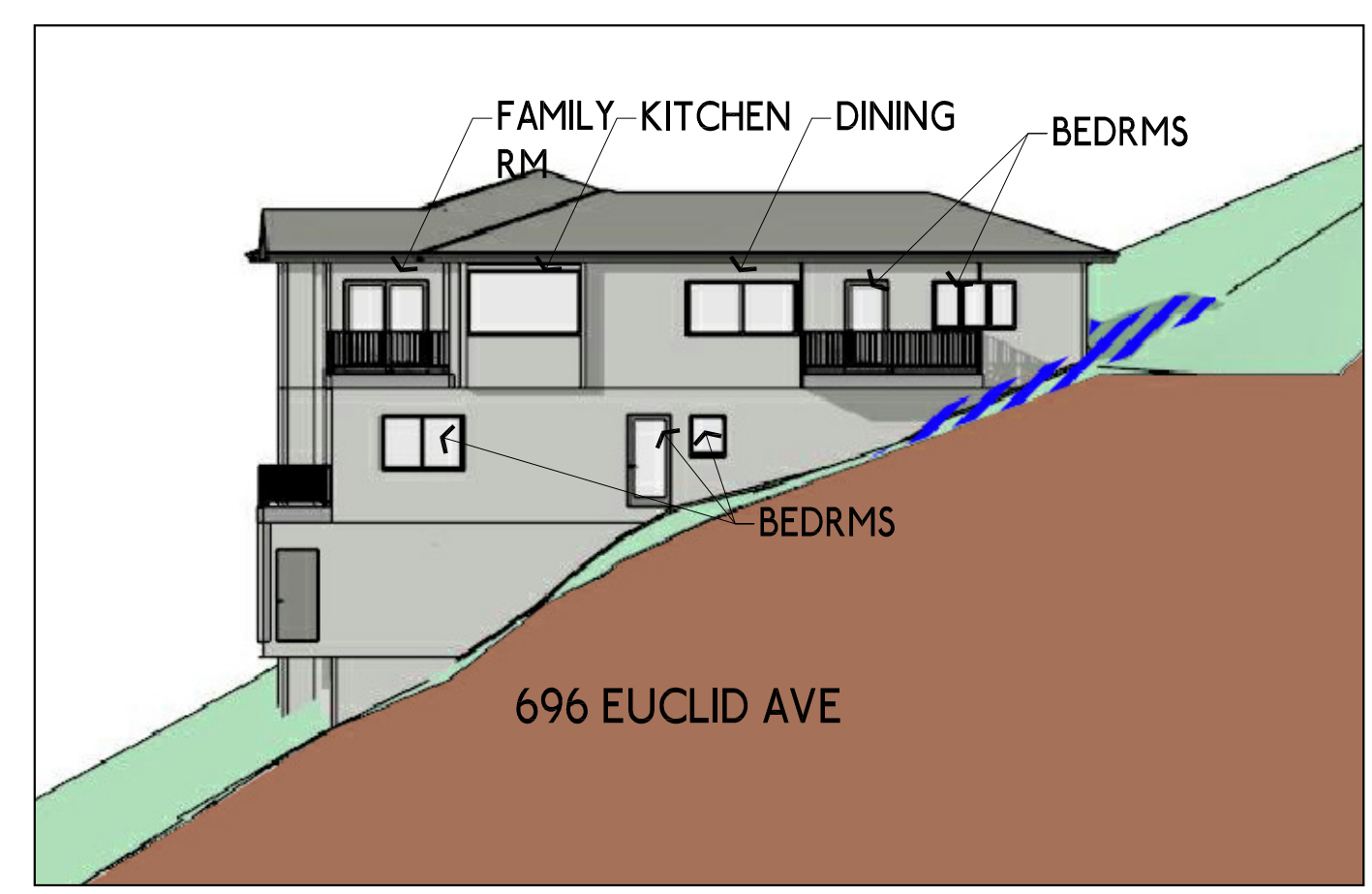
SHADOW STUDY PART 3



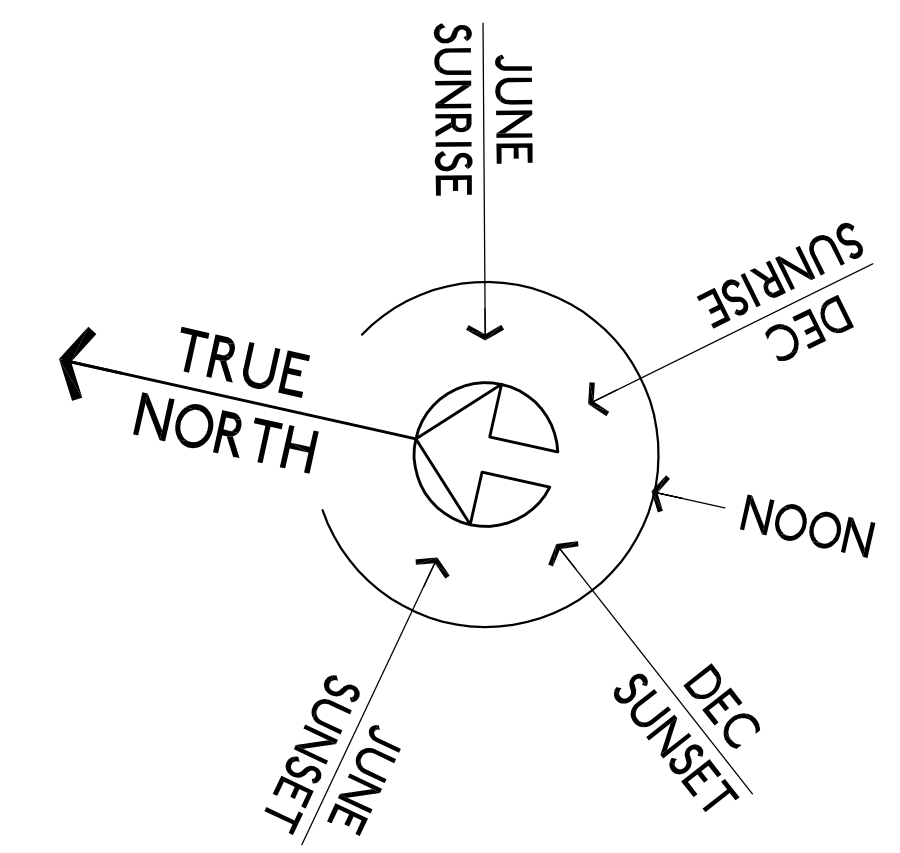
DECEMBER 21-9:21 AM



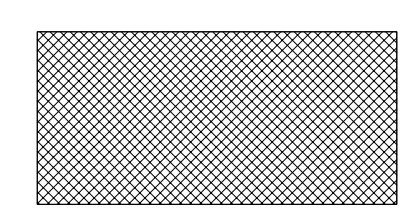
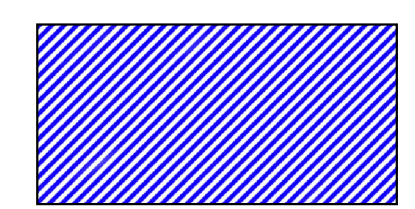
DECEMBER 21-NOON



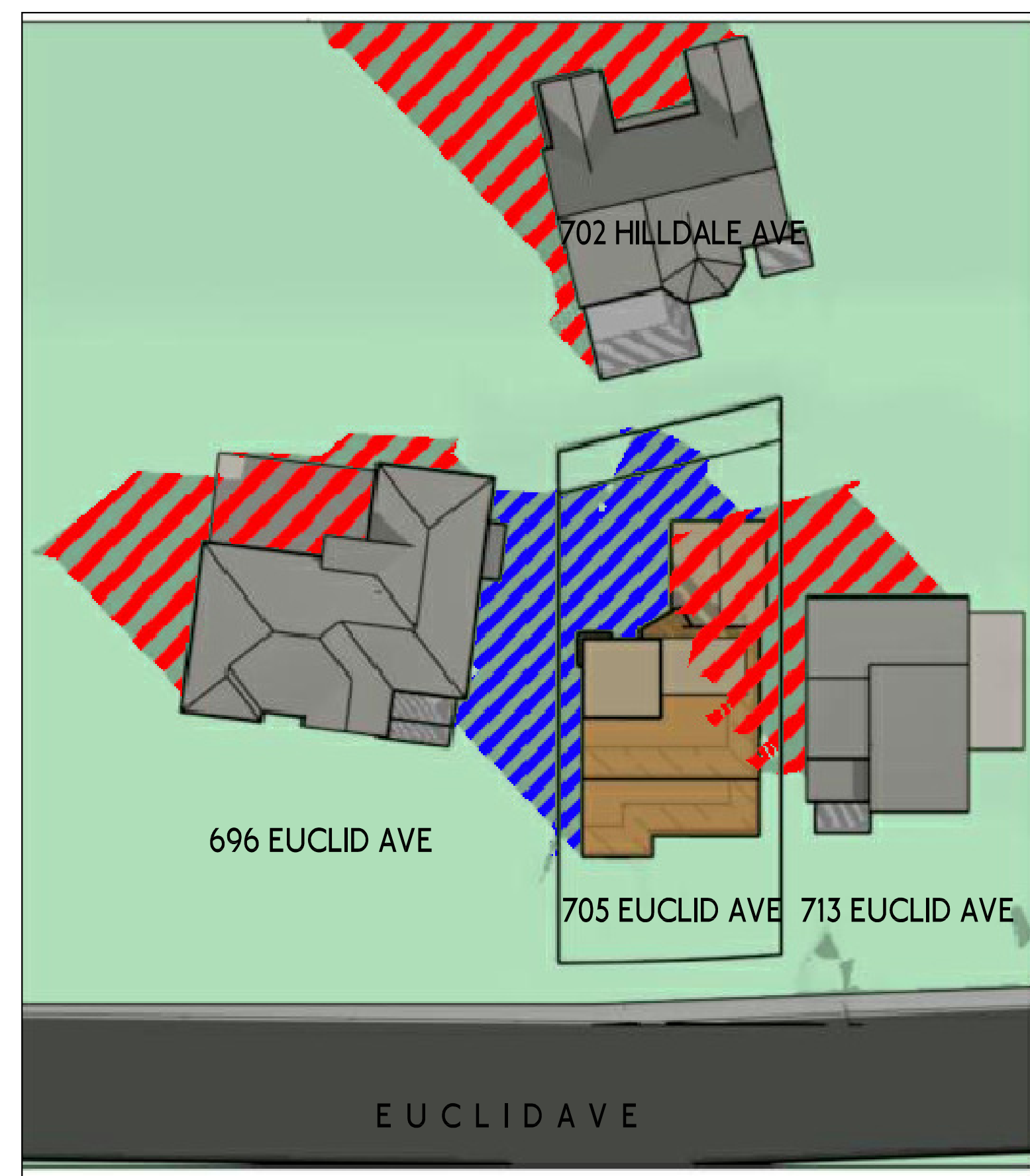
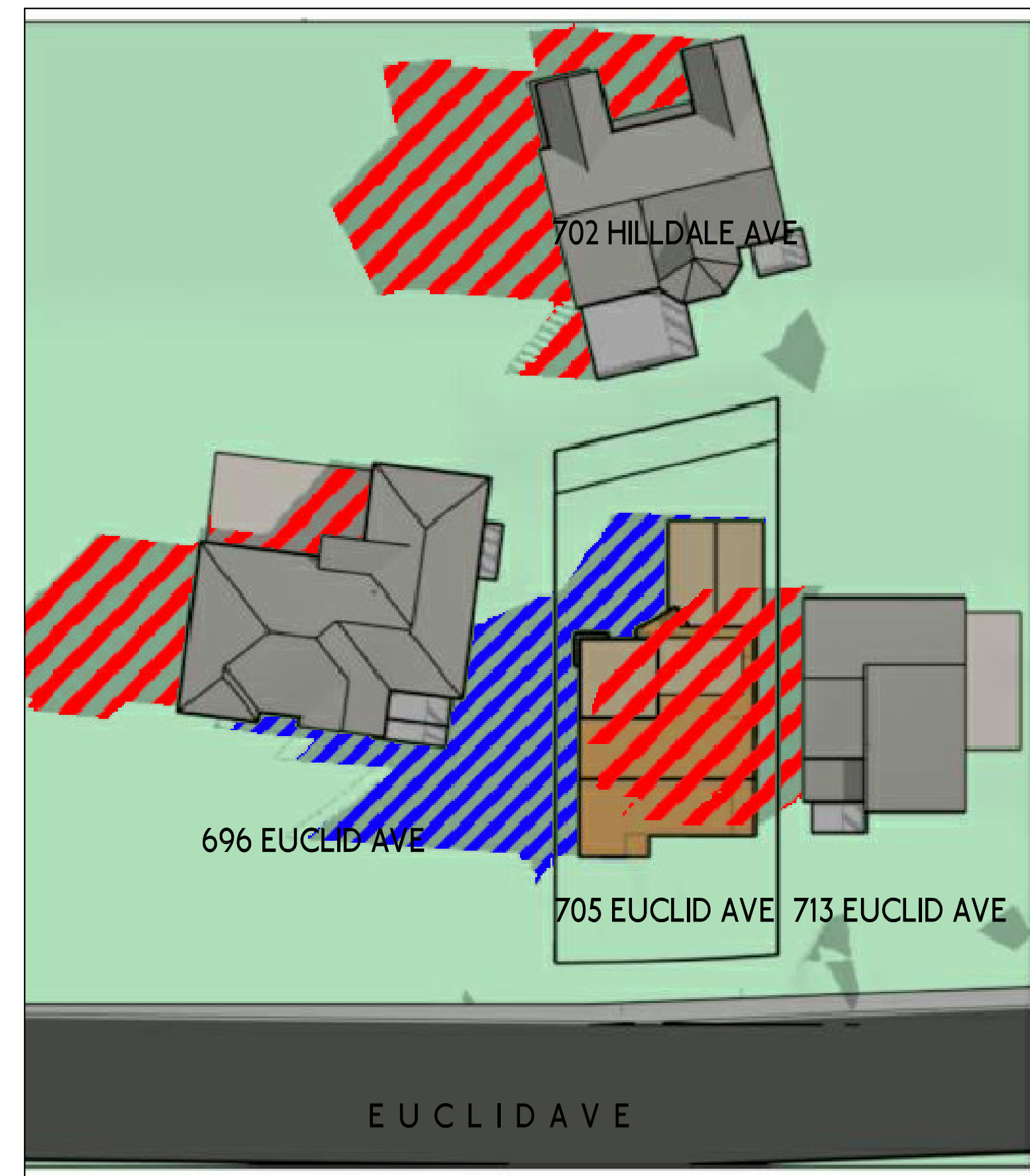
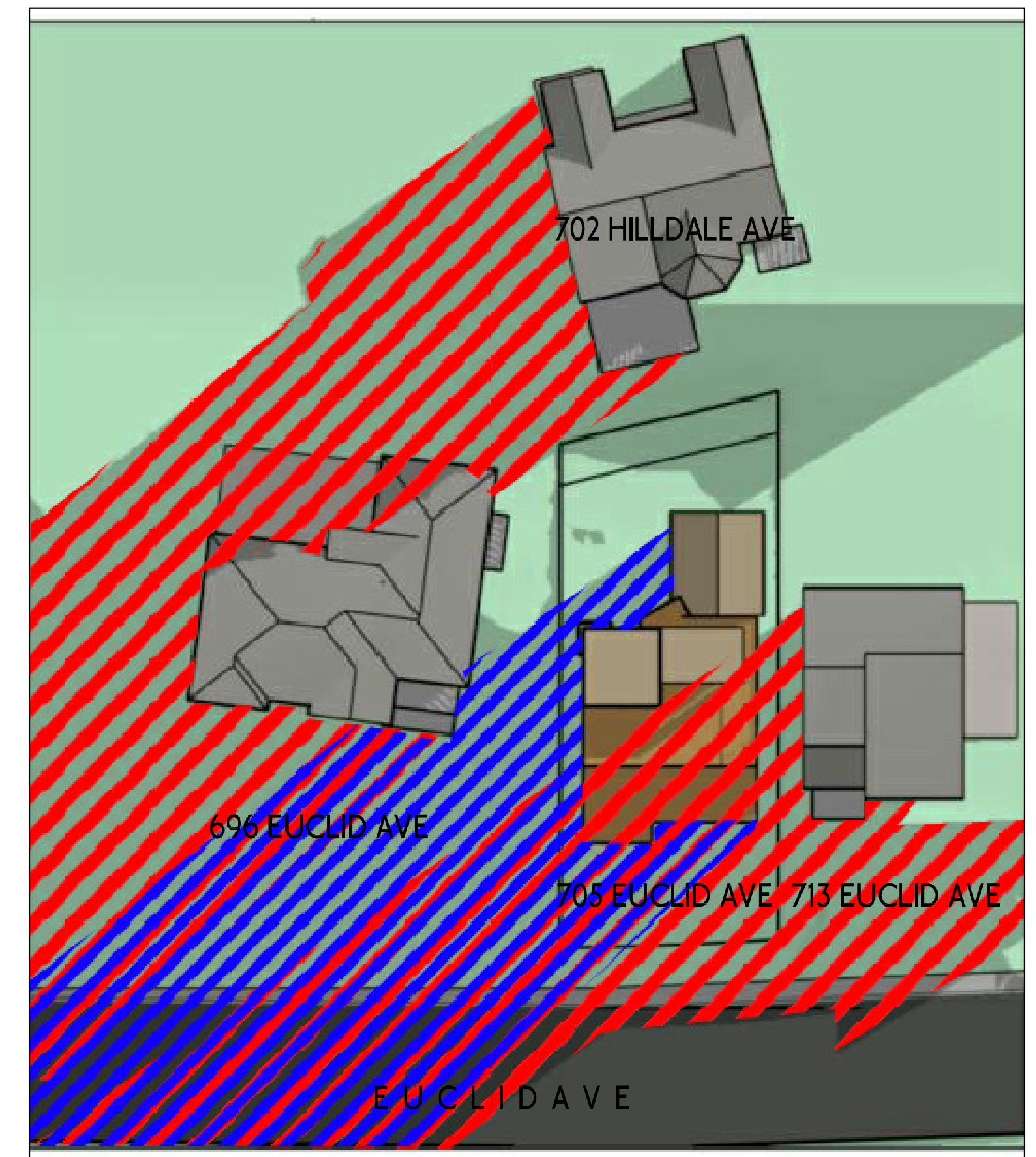
DECEMBER 21-2:53 PM





LEGEND


-  NEIGHBORING BUILDINGS EXISTING SHADOW
-  NEW SHADOW

NOTE:
SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 705 EUCLID AVE. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.



1 AS1 DECEMBER 21-9:21 AM 

2 AS1 DECEMBER 21-NOON 

3 AS1 DECEMBER 21-2:53 PM 

REVISION		
No.	Description	Date

PROJECT No.:
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

A6.2

NEW RESIDENCE

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APN#63-2955-40-1

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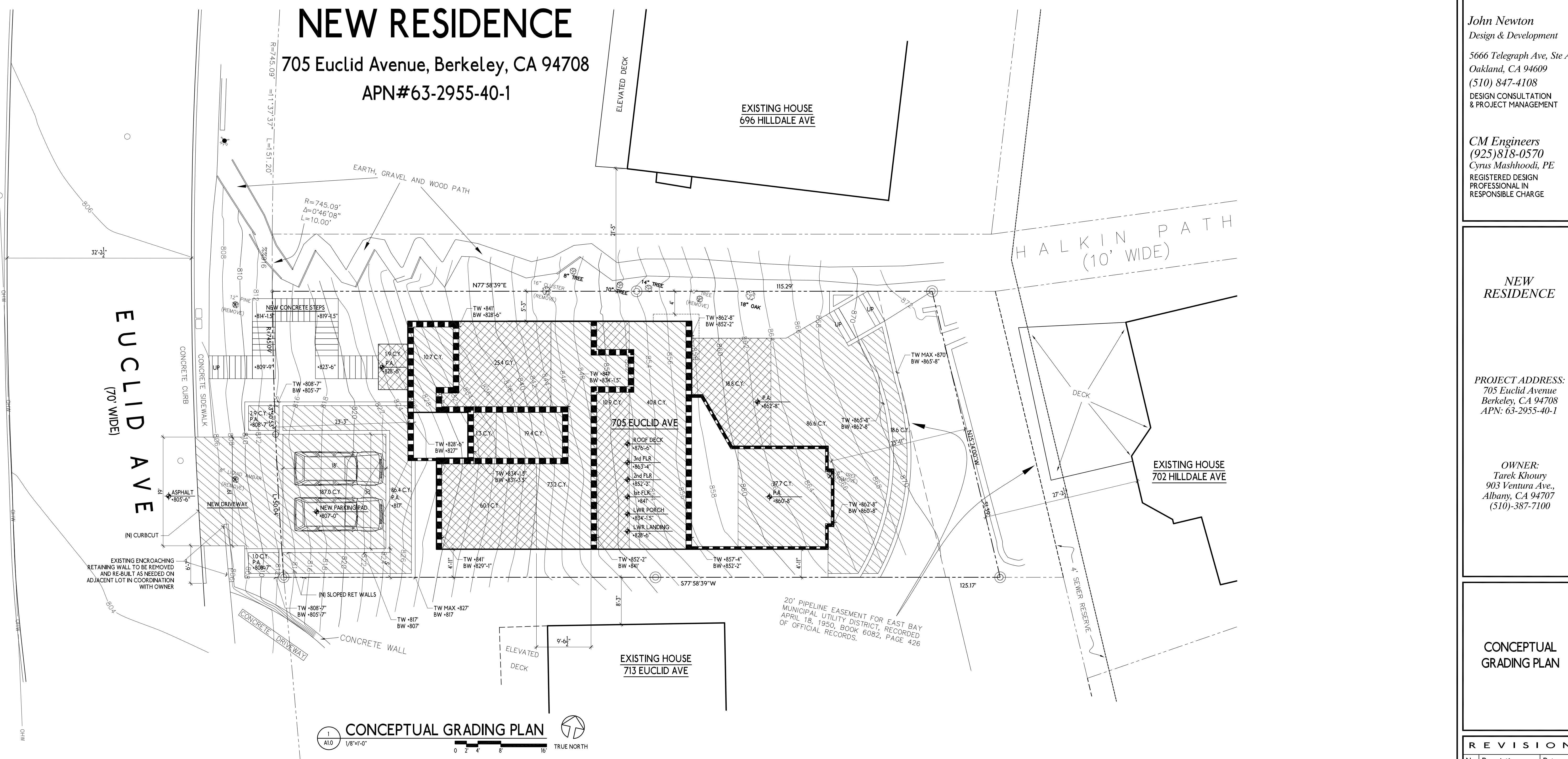
CONCEPTUAL GRADING PLAN

REVISION

No.	Description	Date

PROJECT No. :
DRAWN BY: ML
CHECKED BY: JMN
DATE: 3/21/22

C1



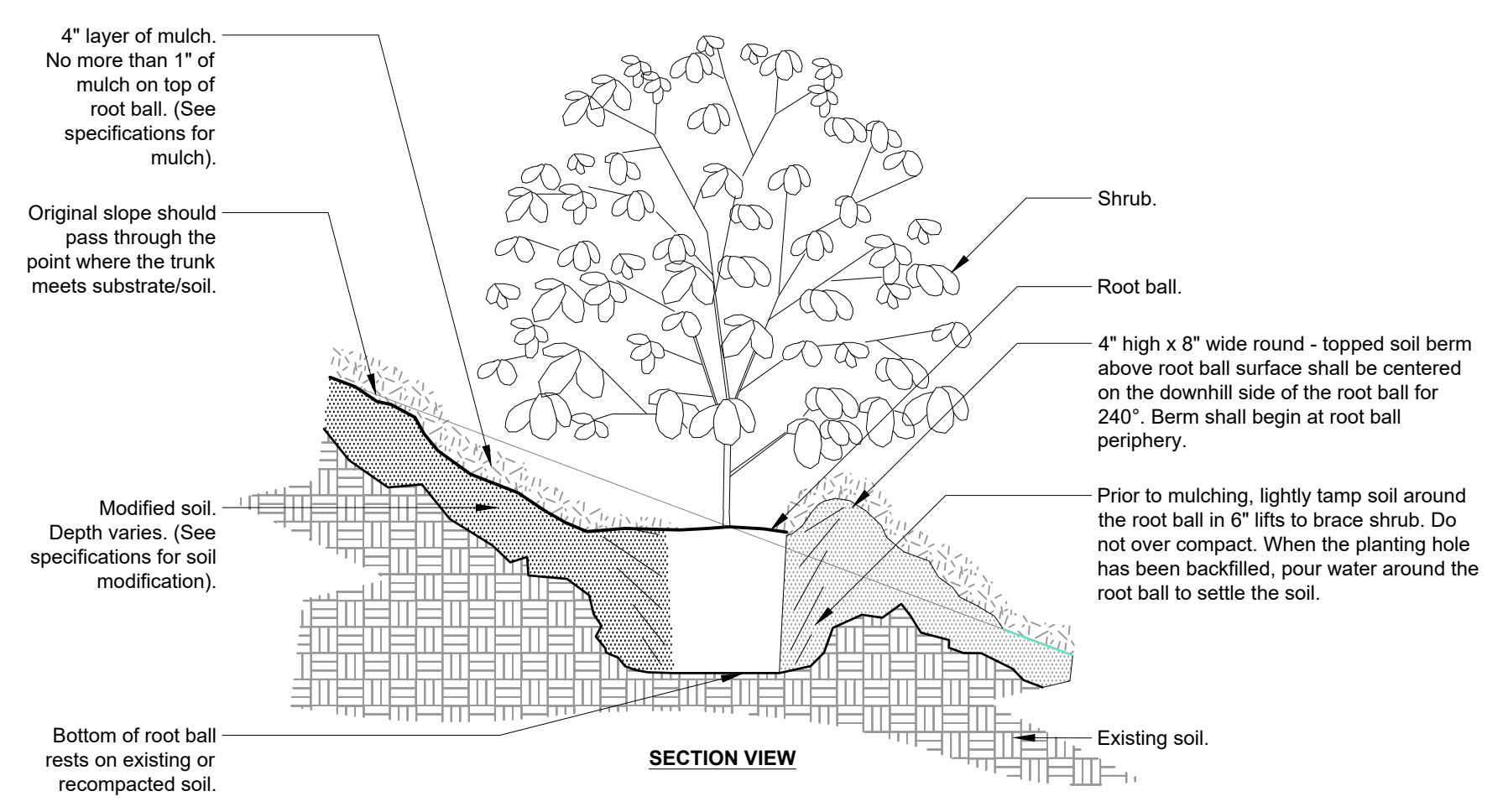
CONCEPTUAL GRADING PLAN
1/8"=1'-0"
0 2 4 8 16
TRUE NORTH

ESTIMATED EARTHWORK QUANTITIES

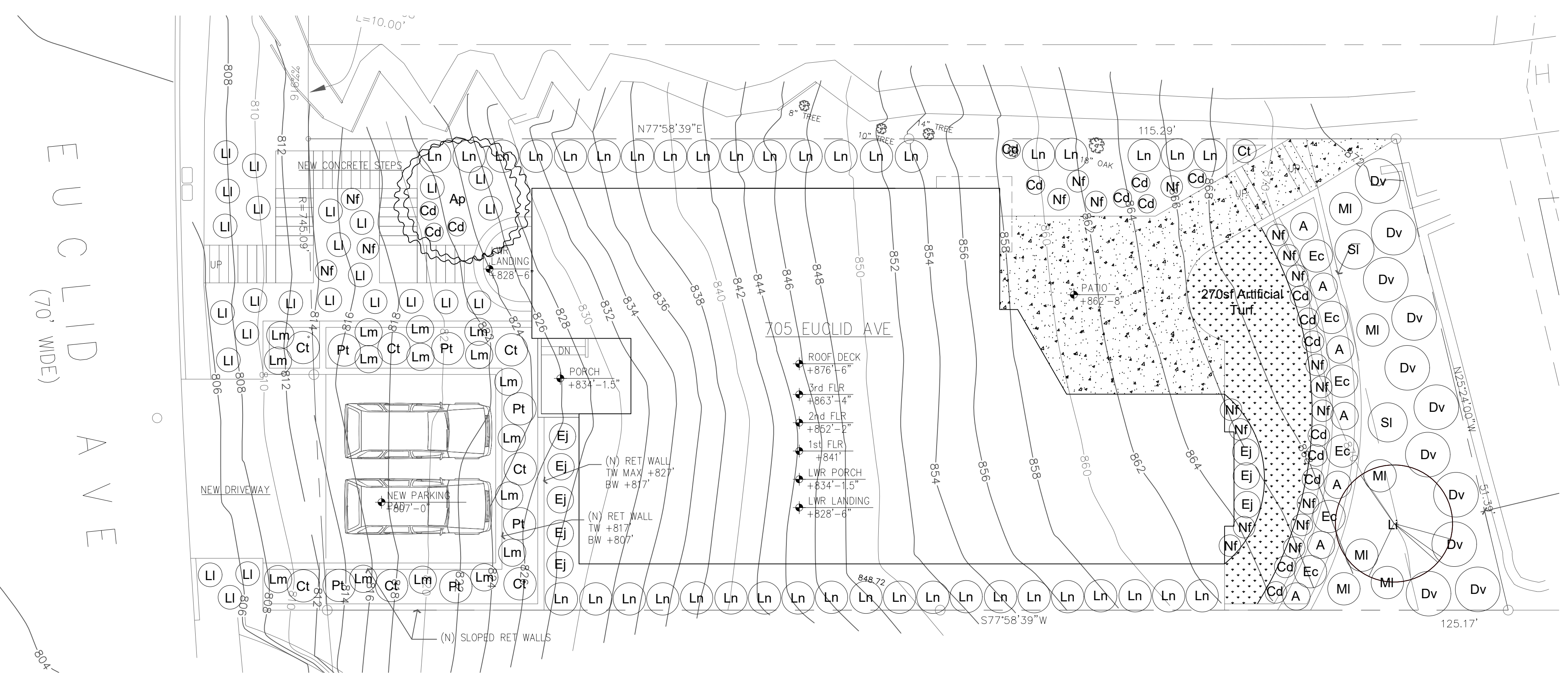
CUT: 554.3 C.Y.
FILL: 118.4 C.Y.
EXPORT: 435.9 C.Y.

NOTE: GRADING QUANTITIES REPRESENT BANK YARDAGE. IT DOES NOT INCLUDE ANY SWELLING OR SHRINKAGE FACTORS AND IS INTENDED TO REPRESENT IN-SITU CONDITIONS. QUANTITIES DO NOT INCLUDE OVER-EXCAVATION (IF ANY). NOTE ADDITIONAL EARTHWORKS, SUCH AS KEYWAYS OR BENCHING MAY BE REQUIRED BY THE GEOTECHNICAL ENGINEER IN THE FIELD AT THE TIME OF CONSTRUCTION. CONTRACTOR TO VERIFY QUANTITIES

- CUT EARTH
- FILLED EARTH

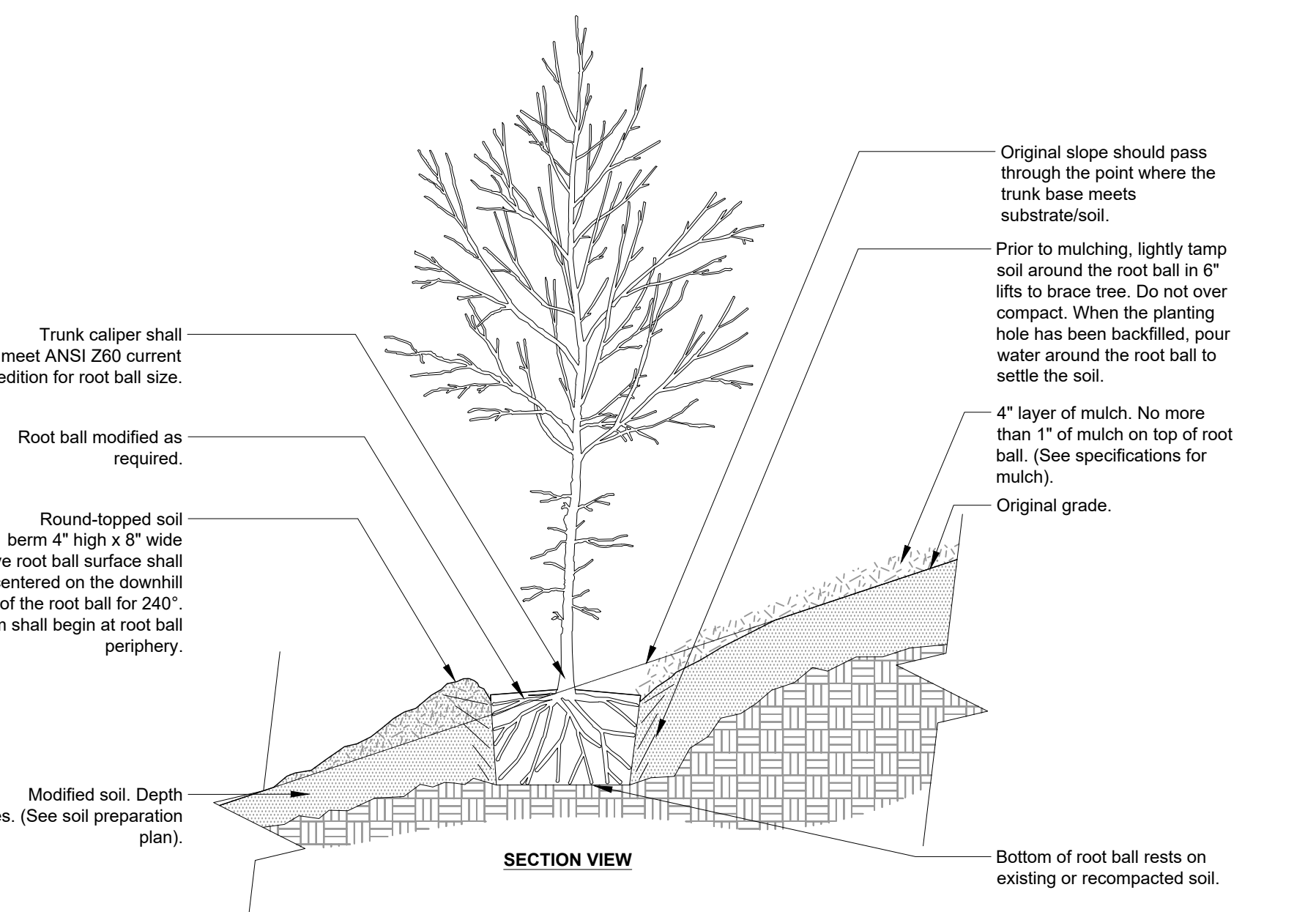
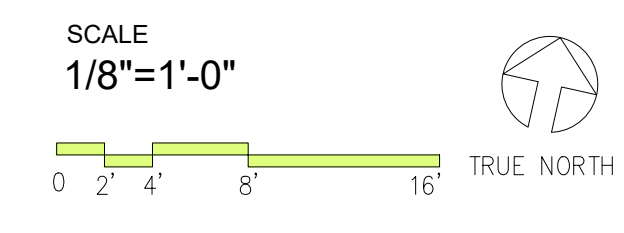


SHRUB ON SLOPE 5% (20:1) TO 50% (2:1) - MODIFIED SOIL
3/4" = 1'-0"



PLANTING LEGEND

SYMBOLS	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	WELO
A	Anigozanthus flavidus 'Bush Ranger'	Kangaroo Paw	1 gal	7	L
cd	Carex divulsa	European gray sedge	1 gal	17	L
Ct	Chondropetalum tectorum	Dwarf Cape Rush	5 gal	5	L
Dv	Dodonea viscosa 'Purpurea'	Purple Hopseed Bush	15 gal	11	L
Ec	Euphorbia characias	Mediterranean spurge	1 gal	6	L
Ej	Euonymus japonicus	Evergreen Euonymus	5 gal	8	L
Ln	Laurus nobilis	Bay laurel	15 gal	39	L
L	Lomandra longifolia 'breeze'	Dwarf Mat Rush	1 gal	21	L
Lm	Lantana montevidensis 'Trailing White'	White Trailing Lantana	1 gal	14	L
MI	Muhlenbergia lindheimeri	Lindheimer's Muhly	1 gal	6	L
Nf	Nepeta faassennii 'Walker's Low'	Catmint	1 gal	20	L
Pt	Phormium tenax "Maori Queen"	New Zealand Flax	5 gal	6	L
SI	Salvia leucantha	Mexican Bush Sage	5 gal	2	L
TREES					
Ap	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	15 gal	1	M
Li	Lagerstroemia indica 'Natchez' (Std)	Natchez Crape Myrtle	15 gal	1	L



TREE ON SLOPE 5% (20:1) TO 50% (2:1) (EXISTING SOIL MODIFIED)
1/2" = 1'-0"

Soil and Planting Notes:

1. A minimum of 8" of non-mechanical compacted soil shall be available for water absorption and root growth in planting areas.
2. Incorporate compost or natural fertilizer into the soil to a minimum depth of 8" at a minimum rate of 6 cubic yards per 1000 square feet or per specific amendment recommendations from a soils laboratory report.
3. A minimum 3" layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications.

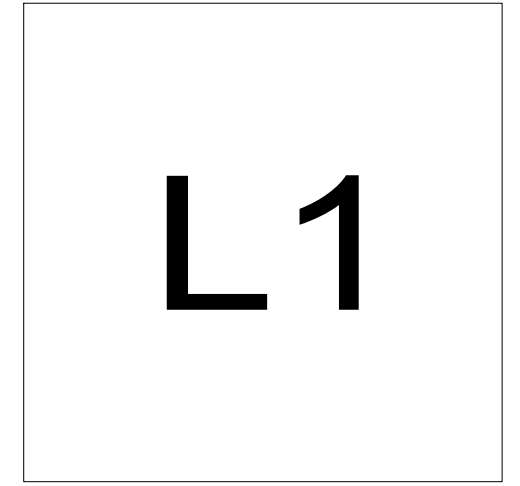
"I have complied with the criteria of the ordinance and applied them for the efficient use of water in the planting design"

PLANTING PLAN

REVISIONS:	DATE	BY	DESCRIPTION

SCALE
1/8" = 1'-0"

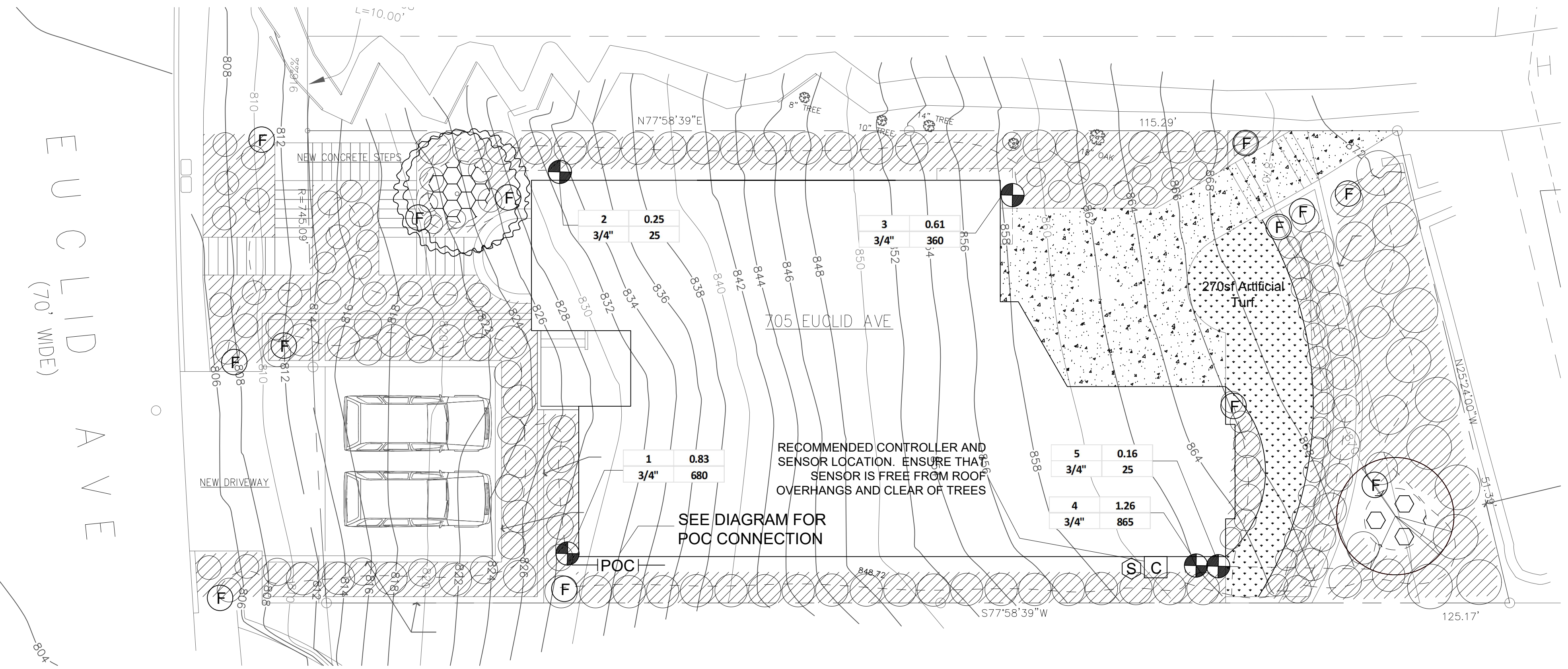
DATE
06/23/22



Maximum Applied Water Allowance Calculations for New and Rehabilitated Residential Landscapes		
Enter value in Pale Blue Cells		
Tan Cells Show Results		
Messages and Warnings		
Click on the blue cell on right to Pick City Name	Oakland	Name of City
ET _o of City from Appendix A	41.80	ET _o (inches/year)
	0	Overhead Landscape Area (ft ²)
	1955	Drip Landscape Area (ft ²)
	0	SLA (ft ²)
Total Landscape Area	1,955.00	
Results: (ET _o) x (0.62) x [(0.55 x LA) + (1.0 - 0.55) X SLA]		Gallons
		Cubic Feet
		HCF
		Acre-feet
		Millions of Gallons
MAWA calculation incorporating Effective Precipitation (Optional) Precipitation (Optional)		
ET _o of City from Appendix A	41.80	ET _o (inches/year)
Total Landscape Area	1,955.00	LA (ft ²)
Special Landscape Area	0.00	SLA (ft ²)
	24	Total annual precipitation (inches/year)
Enter Effective Precipitation	6.00	Eppt (in/yr)(25% of total annual precipitation)
Results: MAWA = [(ET _o - Eppt) x (0.62)] x [(0.55 x LA) + ((1.0 - 0.55) x SLA)]	23,870.55	Gallons
	3,191.04	Cubic Feet
	31.91	HCF
	0.07	Acre-feet
	0.02	Millions of Gallons



EUCLID AVE
(70' WIDE)



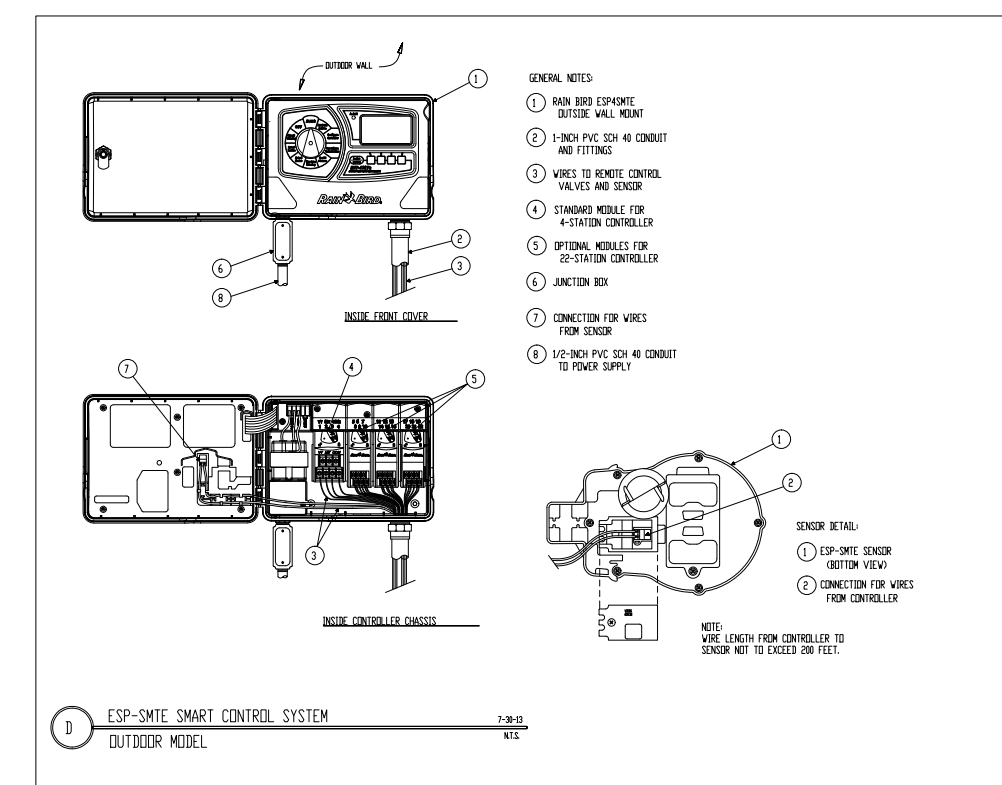
Estimated Total Water Use		
Equation: ET _{WU} = ET _o x 0.62 x [(PF x HA)/IE] + SLA; Considering precipitation ET _{WA} = (ET _o - Eppt) x 0.62 x [(PF x HA)/IE] + SLA		
Enter values in Pale Blue Cells		
Tan Cells Show Results		
Messages and Warnings		
Irrigation Efficiency Default Value for overhead 0.75 and drip 0.81.		
Plant Water Use Type	Plant Factor	
Very Low	0 - 0.1	
Low	0.2 - 0.3	
Medium	0.4 - 0.6	
High	0.7 - 1.0	
SLA	1	



Hydrozone	Select System From the Dropdown List click on cell below	Plant Water Use Type (s) (low, medium, high)	Plant Factor (PF)	Hydrozone Area (HA) (ft ²) Without SLA	Irrigation Efficiency (IE)	(PF x HA (ft ²))/IE
Zone 1	Drip	Low	0.20	680	0.81	168
Zone 2	Drip	Medium	0.50	25	0.81	15
Zone 3	Drip	Low	0.20	360	0.81	89
Zone 4	Drip	Low	0.20	865	0.81	214
Zone 5	Drip	Low	0.20	25	0.81	6
		SLA		0		0
		Sum		1,955		

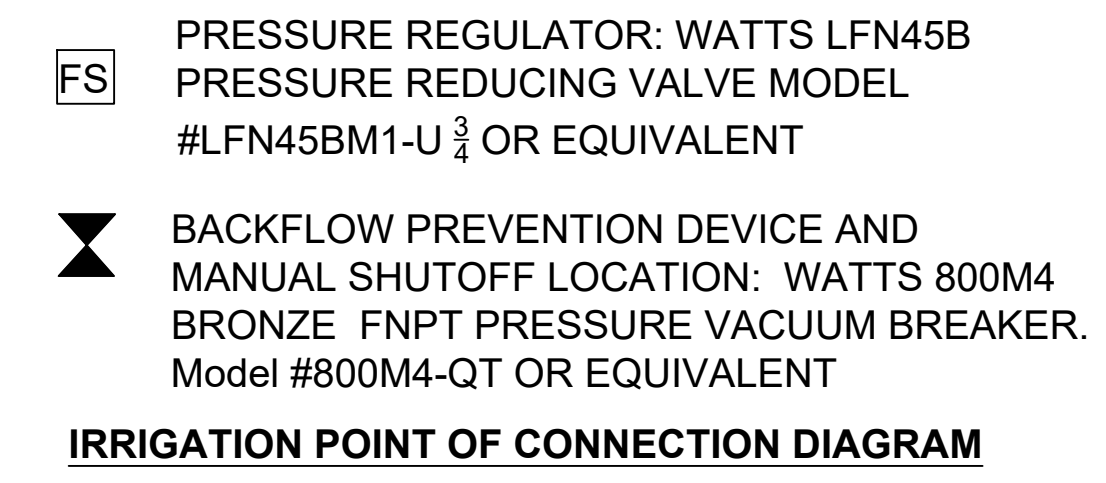
Results		
MAWA =	23,871	Gallons
		1,460 Cubic Feet
		15 HCF
		0 Acre-feet
		0 Millions of Gallons

ZONE #	FLOW RATE (GPM)	PLANT DESCRIPTION	HYDROZONE TYPE	IRRIGATION METHOD	AREA (SQ FT)
1	0.83	SHRUBS/GROUNDCOVER	LOW	POINT SOURCE DRIP	680
2	0.25	TREES	MOD	DRIP RING	25
3	0.61	SHRUBS/GROUNDCOVER	LOW	POINT SOURCE DRIP	360
4	1.26	SHRUBS/GROUNDCOVER	LOW	POINT SOURCE DRIP	865
5	0.16	TREES	LOW	DRIP RING	25
				TOTAL SF	1955



Irrigation Legend

- C** RAINBIRD SMART IRRIGATION CONTROLLER- SEE SPECS ON THIS SHEET
- P** PRESSURE REGULATOR
- S** RECOMMENDED RAIN SENSOR LOCATION
- ⊗** NEW VALVE LOCATION. ALL IRRIGATION VALVES FOR DRIP AND INLINE EMITTERS TO HAVE 30 PSI PRESSURE REDUCER
- F** FLUSH VALVE LOCATION
- POC** POINT OF CONNECTION
- SM** PRIVATE IRRIGATION SUBMETER (ONLY AS REQUIRED FOR LANDSCAPES OVER 5000 SF)
- MV** MASTER VALVE
- FS** PRESSURE REGULATOR: WATTS LFN45B PRESSURE REDUCING VALVE MODEL #LFN45BM1-U 3/4" OR EQUIVALENT
- ⚡** BACKFLOW PREVENTION DEVICE AND MANUAL SHUTOFF LOCATION: WATTS 800M4 BRONZE FNPT PRESSURE VACUUM BREAKER. Model #800M4-QT OR EQUIVALENT

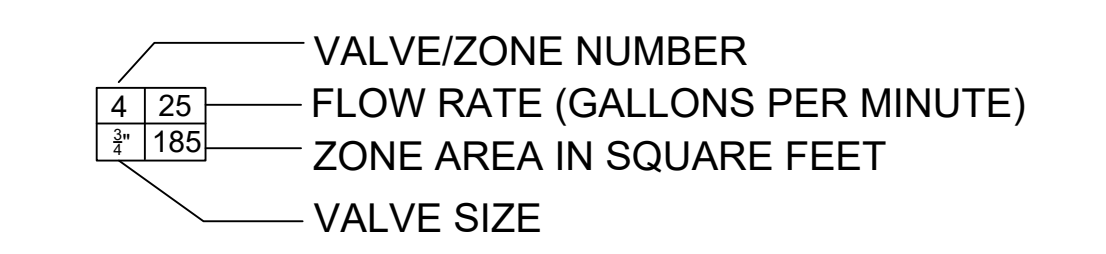


IRRIGATION POINT OF CONNECTION DIAGRAM

POC

MAIN LINE

5/8" POLY IRRIGATION LINE FROM VALVE. USE (1) RAINBIRD XB20PC 1.0 GPH XERI-BUG EMITTER AT BASE OF EACH PLANT. MODERATE WATER USE PLANTS TO HAVE (2) EMITTERS. TREES TO HAVE RING OF NETAFIM IN LINE EMITTERS (12" SPACING) 16" AWAY FROM TRUNK.



Irrigation Notes

- USE BELOW GROUND VALVES AND LOCATE IN AREAS HIDDEN FROM VIEW IF POSSIBLE.
- USE RAINBIRD SMART CONTROLLER WITH RAINSENSOR AND SEASONAL ADJUSTMENT
- ALL PLANTINGS TO USE DRIP IRRIGATION UNLESS OTHERWISE NOTED
- LAWN TO USE SUBSURFACE DRIP IRRIGATION SUCH AS NETAFIM TECHLINE
- BERM AROUND ALL TREES. PLACE MULTIPLE EMITTERS AT LEAST 6-12" AWAY FROM TRUNK OF TREE. TREES TO BE ON SEPARATE VALVE FROM LANDSCAPE PLANTS
- SEE PLANTING PLAN FOR EXACT NUMBER OF EMITTERS NECESSARY
- NO SPRINKLERS OR OVERHEAD SPRAY DEVICES ARE TO BE USED ON THIS PROJECT

Hydrozone Legend

- LOW WATER USE - HYDROZONE SHRUBS & GRASSES
- LOW WATER USE - HYDROZONE TREES
- MOD WATER USE - HYDROZONE TREES

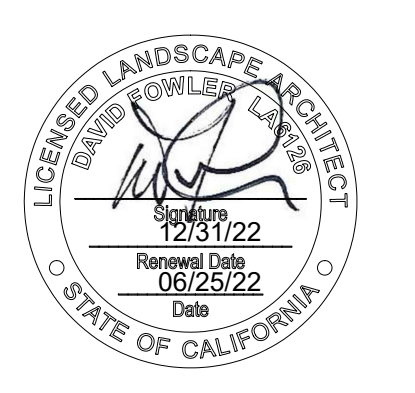
Project Notes:

- Total landscaped area: 1955 sf
- 100% of landscaped area on drip irrigation (no spray heads)
- Low and moderate water use plants on separate valves
- Trees on separate valves
- Dedicated irrigation meter not required because landscaped area is less than 5000 sf
- Certificate of completion: applicant shall submit a landscape audit report verifying installation and irrigation efficiency per design on a form provided by the East Bay Municipal Utility District

"I have complied with the criteria of the ordinance and applied them for the efficient use of water in the irrigation design"

David Fowler Designs
2475 BRUSH CREEK ROAD
SANTA ROSA, CA 95404
707.331.5199
RLAF 6126
www.davidfowledesigns.com
dfoverdesign@gmail.com

landscape architecture | arboriculture | sculpture



IRRIGATION PLAN

REVISIONS:		
DATE	BY	DESCRIPTION

SCALE
1/8"=1'-0"

DATE
06/23/22

L2

APN: 63-2955-40-1
705 EUCLID AVE
BERKELEY, CA 94708



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

INVOICE

Date: 08/29/22

Invoice #: 508543

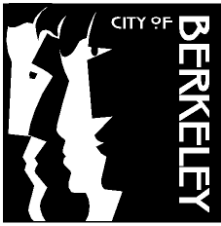
Record #: ZP2022-0104

Bill to:

Address: 705 EUCLID AVE

New dwelling on vacant lot
John Newton
5666 TELEGRAPH AVE STE A
OAKLAND CA 94609-1708

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
8/29/2022	Community Planning Fee (15%) ADDCPF_ACP97	\$69.00	\$0.00	\$69.00
8/29/2022	UPPH: Additional Use Permit (on same project) UPPH060	\$460.00	\$0.00	\$460.00
Totals:		\$529.00	\$0.00	\$529.00



Planning and Development Department
Land Use Planning Division

August 30, 2022

John Newton
5666 Telegraph Avenue, Ste. A
Oakland, CA 94609

Delivered via email:
Rmnewton67@sbcglobal.net

Re: Use Permit ZP2022-0104 for 705 Euclid Avenue

Dear Mr. Newton:

After reviewing the above-referenced application for constructing a new single-family home at 705 Euclid Avenue, I have determined that the application is incomplete pending receipt of the following items:

- In addition to the permits paid for at application intake, the application also requires the following permits under the Zoning Ordinance, with a fee of \$529 each. Please pay these fees at the Permit Service Center (bring a copy of this letter to show the planner at the Zoning counter), or mail a check (payable to "City of Berkeley") to my attention.
- Administrative Use Permit under BMC Section 23.304.070(B) for an accessory structure (backyard retaining walls) encroaching into a required setback.
- The Geotechnical Report is reviewed by a third-party consultant. The estimated fee for this review is \$1500. Please pay this deposit as soon as possible so that this review can move forward.
- Please provide the photos of the pre-application yellow poster as required in Item 1.F of the "Zoning Project Submittal Requirements."
- Please provide a lot coverage diagram that clearly shows all relevant site features, their dimensions, and how the coverage total was calculated, as required in Item 2.C of the "Zoning Project Submittal Requirements."
- Please provide a dimensioned Usable Open Space Plan that clearly depicts how the usable open space was calculated, as required in Item 2.B of the "Zoning Project Submittal Requirements."
- Please provide a Story Pole Plan, as required in Item 3.C of the "Zoning Project Submittal Requirements."

John Newton
August 30, 2022

705 Euclid Avenue
Page 2 of 2

- Staff is attempting to evaluate whether your proposed deviation from the height limitations is justifiable. Please provide an elevation drawing that shows a maximum height line that parallels the shape of the grade (similar to what is shown in Figure 23.106-5 of the Berkeley Municipal Code).
- *BMC Section 23.322.080.F contains several provisions relating to grade changes adjacent to residential parking spaces. Among these is the requirement that "the difference in elevation between a parking space and the finished grade on adjacent areas of the lot may not exceed 5 feet at any point."* Please adjust your parking area to comply with this and other provisions of this section of the BMC.

Once these items are provided, the project will be deemed complete and a tentative ZAB hearing date will be scheduled. If you take no action to address the above items within 60 days, the application may be deemed withdrawn and returned to you. Please contact me if you have any questions.

Sincerely,



Russell Roe
Associate Planner

cc: Tarek Khoury, 903 Ventura Avenue, Albany CA 94707
Delivered via email: tarek.khoury@gmail.com

Roe, Russell

From: Tarek Khoury <tarek.khoury@gmail.com>
Sent: Wednesday, October 19, 2022 1:54 PM
To: Roe, Russell; 'John Newton'
Cc: 'Leila Mashhoodi'
Subject: RE: zoning application for 705 Euclid Ave, ZP2022-0104
Attachments: euclid invoice permit payment.pdf

Hello Roy,

Just a quick note. I paid the invoice today.

Please let me know if there's anything else you need from us.

Regards,
Tarek
510-387-7100

From: Roe, Russell <RRoe@cityofberkeley.info>
Sent: Friday, October 14, 2022 3:12 PM
To: John Newton <jmnewton67@sbcglobal.net>
Cc: Leila Mashhoodi <lmashhoodi@gmail.com>; Tarek Khoury <tarek.khoury@gmail.com>
Subject: RE: zoning application for 705 Euclid Ave, ZP2022-0104

I'm sorry that I forgot to invoice it! The invoice is attached.
Russell

From: John Newton <jmnewton67@sbcglobal.net>
Sent: Friday, October 14, 2022 10:37 AM
To: Roe, Russell <RRoe@cityofberkeley.info>
Cc: Leila Mashhoodi <lmashhoodi@gmail.com>; Tarek Khoury <tarek.khoury@gmail.com>
Subject: Re: zoning application for 705 Euclid Ave, ZP2022-0104

Thanks Russell. Also Tarek mentioned that he can't pay for the peer review without a formal invoice. Can you let him know how he can pay that?

On Thursday, September 29, 2022 at 10:21:32 AM PDT, Roe, Russell <rroe@cityofberkeley.info> wrote:

I've got them. Thanks. I'll take a look as soon as I can.

Russell

From: John Newton <jmnewton67@sbcglobal.net>
Sent: Thursday, September 29, 2022 10:10 AM

To: Roe, Russell <RRoe@cityofberkeley.info>
Cc: Leila Mashhoodi <lmashhoodi@gmail.com>; Tarek Khoury <tarek.khoury@gmail.com>
Subject: Re: zoning application for 705 Euclid Ave, ZP2022-0104

Hi Russell-thanks for the quick reply. Here are the revised plans with the added open space/lot coverage and storypole plans and added heights etc. My read of the parking code is that the area close to the parking needed to be no more than 5' high and separated by 4' to the next closest retaining wall so I'm showing that solution here.

Tarek, can you try to pay the fees again and confirm to me and Russell and Leila if you were successful

Thanks

John

On Thursday, September 29, 2022, 10:04:03 AM PDT, Roe, Russell <rroe@cityofberkeley.info> wrote:

If you are able to email everything to me as attachments, that is easiest. If the files are too large, let me know and I can try to set up a Box link.

As for paying the fees, I don't know it couldn't be done in person except that there was one day last week when the cashier was closed because training was going on. Also, they're closed every day from 12-1. Other than that, they should be open Monday – Thursday.

Russell

From: John Newton <jmnewton67@sbcglobal.net>
Sent: Wednesday, September 28, 2022 10:59 AM
To: Roe, Russell <RRoe@cityofberkeley.info>
Cc: Leila Mashhoodi <lmashhoodi@gmail.com>; Tarek Khoury <tarek.khoury@gmail.com>
Subject: Re: zoning application for 705 Euclid Ave, ZP2022-0104

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

Hi Russell

We're ready to upload the revised plans and additional items in response to your comments-can you re-send a Box link or let me know if we can just email them directly? Also, the owner Tarek had tried paying the invoices directly to the cashier downtown but was told he couldn't do it directly so he's looking into how to do it via mailed check or calling into the cashier.

Thanks

John

On Tuesday, August 30, 2022, 10:32:23 AM PDT, Roe, Russell <rroe@cityofberkeley.info> wrote:

Mr. Newton,

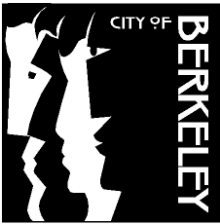
Please see the attached letter with my plan review comments for 705 Euclid Avenue. Feel free to give me a call or send an email if you have any questions.

Russell Roe

Associate Planner/ Code Enforcement

City of Berkeley

(510) 981-7548



Planning and Development Department
Land Use Planning Division

October 21, 2022

John Newton
5666 Telegraph Avenue, Ste. A
Oakland, CA 94609

Delivered via email:
Rmnewton67@sbcglobal.net

Re: Use Permit ZP2022-0104 for 705 Euclid Avenue

Dear Mr. Newton:

After reviewing your recent resubmittal of plans for constructing a new single-family home at 705 Euclid Avenue, I have determined that the application is incomplete pending a few items related to views and privacy. We are attempting to evaluate whether the proposed structure will obstruct views from neighboring properties and/or result in neighbors protesting that their privacy is being violated. Please review and respond to the following comments and questions:

- Have the story poles been erected on site? If not, please erect them as soon as possible and let me know when they are ready. This will assist in our evaluation.
- Provide detailed cross-section before-and-after drawings depicting site lines from neighboring up-slope properties.
- Provide drawings showing neighboring window locations in relation to the windows and decks on the proposed new house. Show how privacy concerns can be minimized.

Once these items have been addressed, the project will be deemed complete and a tentative ZAB hearing date will be scheduled. If you take no action to address the above items within 60 days, the application may be deemed withdrawn and returned to you. Please contact me if you have any questions.

Sincerely,

Russell Roe
Associate Planner

cc: Tarek Khoury, 903 Ventura Avenue, Albany CA 94707
Delivered via email: tarek.khoury@gmail.com

Roe, Russell

From: Roe, Russell
Sent: Tuesday, October 25, 2022 11:13 AM
To: John Newton; Tarek Khoury
Subject: RE: 705 Euclid Comments

I think that a combination of computer modeling and upper-story (view blocking) poles would suffice.
Russell

From: John Newton <jmnewton67@sbcglobal.net>
Sent: Monday, October 24, 2022 8:06 PM
To: Roe, Russell <RRoe@cityofberkeley.info>; Tarek Khoury <tarek.khoury@gmail.com>
Subject: Re: 705 Euclid Comments

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.

I can do some computer modelling of this too if it helps clarify

On Monday, October 24, 2022 at 07:37:35 PM PDT, Tarek Khoury <tarek.khoury@gmail.com> wrote:

Mr. Roe,

I'm getting some resistance from the contractors on the elevation of the lower story poles. The 40ft poles will be difficult to erect and keep stable even if only temporarily.

For view purposes, is it feasible to just put story poles on the rear part of the house to heights of about 30 or so feet? Just to focus on the parts that block the view of the neighbors?

Regards,

Tarek

510-387-7100

From: Roe, Russell <RRoe@cityofberkeley.info>
Sent: Friday, October 21, 2022 1:54 PM
To: rmnewton67@sbcglobal.net
Cc: Tarek Khoury <tarek.khoury@gmail.com>
Subject: 705 Euclid Comments

Mr. Newton,

Thank you for your recent resubmittal of drawings for 705 Euclid Avenue. Most of our concerns were addressed. However, we're still trying to evaluate site line issues in an effort to minimize protests from neighbors. Please see the attached letter for details, and feel free to call me at any time if you need to discuss any of this.

Russell Roe

Associate Planner/ Code Enforcement

City of Berkeley

(510) 981-7548

**COTTON, SHIRES AND ASSOCIATES, INC.**CONSULTING ENGINEERS AND GEOLOGISTS

October 26, 2022

Z6142

TO: Russell Roe
Associate Planner
CITY OF BERKELEY
1947 Center Street, 2nd floor
Berkeley, California 94704

SUBJECT: **Geotechnical Peer Review**
RE: Khoury; New Single-Family Residence on a Vacant Lot
Earthquake-Induced Landslide Hazard Zone
ZP2022-0104
705 Euclid Avenue

At your request, we have completed a geologic and geotechnical peer review of the subject land use permit applications using:

- Geotechnical Soil Report (report) prepared by California Engineering Co. (CEICO), Inc, dated March 15, 2022;
- Boundary and Topographic Survey (1 sheet) prepared by Moran Engineering, dated May 26, 2022;
- Conceptual Grading Plan (1 sheet) prepared by CM Engineers, Inc., revised September 21, 2022; and
- Architectural Plan Set (9 sheets) prepared by John Newton Design and Development, dated September 28, 2022.

In addition, we have reviewed pertinent technical maps and documents from our office files and completed a recent reconnaissance of the site and vicinity.

Northern California Office
330 Village Lane
Los Gatos, CA 95030-7218
(408) 354-5542

Central California Office
6417 Dogtown Road
San Andreas, CA 95249-9640
(209) 736-4252

Southern California Office
699 Hampshire Road, Suite 101
Thousand Oaks, CA 91361-2352
(805) 370-8710

www.cottonshires.com

Russell Roe

October 26, 2022

Page 2

Z6142

DISCUSSION

We understand the applicant proposes to construct a new 4,528 square-foot main residence and parking pad on a vacant parcel above Euclid Avenue. Estimates of project grading include 554 cubic yards of cut and 118 cubic yards of fill. The site is located within an earthquake-induced landslide hazard zone, as mapped by the California Geological Survey.

The purpose of this geologic and geotechnical peer review is to determine whether the referenced March 2022 Geotechnical Soil Report by CEICO are consistent with State criteria for project approval. The general premise for the completion of a site geologic and geotechnical investigation within a Seismic Hazard Zone is that the suitability of the site should be demonstrated. When site seismic hazards are confirmed to exist, the State requires a minimum level of mitigation to reduce the risk of ground failure during an earthquake to a level that does not cause the collapse of buildings.

GEOTECHNICAL EVALUATIONS AND SITE CONDITIONS

The Project Geotechnical Consultant (CEICO) has completed an investigation that included advancing three borings to a maximum depth of 15.5 feet below the ground surface. No groundwater was reported during subsurface exploration. The applicant's Consultant also reviewed pertinent technical reports and maps, and completed laboratory testing including Atterberg limits. The Consultant finds that no additional subsurface investigation is necessary to demonstrate suitability of the site and recommends the proposed structures be supported on pier and grade beam type foundations. We understand the Consultant finds that the site is not located within landslide deposits and that in-situ bedrock is located at relatively shallow depth for foundation bearing support.

During our site reconnaissance we observed distress to portions of Spruce Street, Cragmont Avenue, and Alamo Avenue downslope of Euclid Avenue consistent with InSAR mapping of active landslides in the area. Local mapping of active and potentially active landslides in the area indicates landslide deposits may extend upslope of Euclid Avenue north of the site. Slope debris from the steep site was observed as encroaching onto sidewalk areas at the base of the property. The active Hayward Fault is mapped approximately 750 feet southwest of the property.

CONCLUSIONS AND RECOMMENDED ACTION

Proposed site development is constrained by the mapped potential for earthquake-induced landsliding, historically active landslide debris impacting the nearby vicinity, very steep to precipitous slopes and anticipated very strong seismic ground shaking. The Project Geotechnical Consultant has completed an investigation and

Russell Roe

October 26, 2022

Page 3

Z6142

provided recommendations for the project that adequately address State minimum requirements associated with the earthquake induced landslide hazard zone. We recommend the Consultant coordinate with the project team to provide clarifications and supplemental recommendations as necessary as the project progresses. Consequently, we recommend geotechnical approval of the subject permit applications with the following conditions attached:

1. **Geotechnical Plan Review** - The applicant's geotechnical consultant should review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading, shoring design, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations and retaining walls) to ensure that their recommendations have been properly incorporated.

The Project Geotechnical Consultant should clarify anticipated depths to bedrock materials across the site for structural design (i.e. at what depth can bedrock skin friction be used).

The results of the plan review should be summarized by the Geotechnical Consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.

2. **Geotechnical Construction Inspections** - The Geotechnical Consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete. **The Consultant should inspect and approve of temporary shoring measures, as applicable during grading for proposed parking areas and residential improvements.**

The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

Russell Roe

October 26, 2022

Page 4

Z6142

LIMITATIONS

This geotechnical peer review has been performed to provide technical advice to assist the City with its discretionary permit decisions. Our services have been limited to review of the documents previously identified, and a visual review of the property. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied.

Respectfully submitted,

COTTON, SHIRES AND ASSOCIATES, INC.
CITY GEOTECHNICAL CONSULTANT



Craig Stewart
Senior Geologist
PG 9786



David T. Schrier
Principal Geotechnical Engineer
GE 2334

DTS:CS:st

COTTON, SHIRES AND ASSOCIATES, INC.



COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

November 29, 2022

Invoice No.: 1122231

Project: Z6142

TO: City of Berkeley
Planning & Development
Land Use Division
1947 Center St., 2nd Floor
Berkeley, CA 94704

APPROVED FOR PAYMENT*Russell Roe***DATE:** 11/29/2022SUBJECT: **Statement of Professional Services**

Billing Period: October 17, 2022 through November 29, 2022

RE: Khoury, 705 Euclid Avenue, ZP2022-0104 (Z6142)
Ref.by: Russell Roe

PROFESSIONAL SERVICES

<u>Personnel</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
D. Schrier, Principal Geotechnical Engineer	2.50	175.00	\$437.50
C. Stewart, Senior Geologist	9.00	120.00	\$1,080.00
		<u>Hours</u>	<u>Amount</u>
Professional Fees Subtotal:		11.50	\$1,517.50

EXPENSES

2022 Mileage @ \$0.625/mile	\$75.00
Expenses Subtotal:	\$75.00
TOTAL AMOUNT OF THIS INVOICE:	\$1,592.50

cc: Samella Stover , Land/Zoning: SStover@cityofberkeley.info
Christina Franco, Building/Safety: cfranco@cityofberkeley.info

Federal Tax ID: 94-2246887

Please remit payments to:
Cotton, Shires and Associates, Inc.
330 Village Lane
Los Gatos, CA 95030

FROM LAND USE/OESD

P O#:

Line(s):

Date:

Total Amount:

Received by:

Appr'd By:

RECEIVED

Respectfully submitted,
COTTON, SHIRES AND ASSOCIATES, INC.

Patrick O. Shires MH
Patrick O. Shires

Northern California Office
330 Village Lane
Los Gatos, CA 95030-7218
(408) 354-5542

Central California Office
6417 Dogtown Road
San Andreas, CA 95249-9640
(209) 736-4252

Southern California Office
699 Hampshire Road, Suite 102
Thousand Oaks, CA 91361-2352
(805)370-8710

www.cottonshires.com

Project No.: Z6142

November 29, 2022
Invoice No.: 1122231

PROFESSIONAL SERVICES

<u>Date</u>	<u>Init.</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/17/22	CS	Compile data and/or filing	1.00	120.00	120.00
	CS	Project management	1.00	120.00	120.00
10/19/22	DTS	Review consultant's report(s) and plans	1.00	175.00	175.00
	CS	Review consultant's report(s) and plans	1.00	120.00	120.00
	CS	Inspect and/or map site	3.50	120.00	420.00
10/26/22	CS	Project management	0.50	120.00	60.00
	DTS	Discuss w/staff	0.50	175.00	87.50
	DTS	Engineering analysis; review letter	1.00	175.00	175.00
	CS	Prepare review letter	2.00	120.00	240.00



CITY OF BERKELEY

Permit Service Center
1947 Center St, 3rd floor
Berkeley, CA 94704

RECEIPT
ZP2022-0104

Receipt Date:
12/6/2022

Receipt Number:
705564

Applicant Information

John Newton
5666 TELEGRAPH AVE STE A
OAKLAND CA 94609-1708

Property Information

Parcel Number: 063 295504001

Project Information

Type: Planning
Group: Zoning Permit
Category: NA
Sub-Category: NA
Project: New dwelling on vacant lot
Work Description: New dwelling on a vacant lot exceeding 28 feet in average height and 35 feet in maximum height, and parking spaces in the required front setback.

Location

705 EUCLID Ave
BERKELEY, CA 94708

Payor: CALIFORNIA ENGINEERING CO	Payment Status: Paid	Date Printed: 12/6/2022
Cashier: BFUENTECILLA	Payment Method: Check	Check #: 1087
Fees:		Amount
ADD010 - Expedited Permit Processing		\$92.50
	Total:	\$92.50

Property Address:
705 EUCLID Ave
BERKELEY, CA 94708



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

INVOICE

Date: 11/29/22

Invoice #: 513417

Record #: ZP2022-0104

Bill to:

Address: 705 EUCLID AVE

New dwelling on vacant lot
 John Newton
 5666 TELEGRAPH AVE STE A
 OAKLAND CA 94609-1708

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
11/29/2022	Expedited Permit Processing ADD010	\$92.50	\$0.00	\$92.50
Totals:		\$92.50	\$0.00	\$92.50



Planning and Development Department
Land Use Planning Division

January 19, 2023
John Newton
5666 Telegraph Avenue
Oakland, CA 94609

Sent via email to:
Jmnewton67@sbcglobal.net

Re: Application Complete – Use Permit #ZP2022-0104 for 705 Euclid Avenue

Dear Mr. Newton,

Thank you for the zoning permit application resubmittal on December 29, 2022, to construct a new dwelling exceeding 28 feet in average height and 35 feet in maximum height, with two parking spaces in the required front setback, on a vacant lot. The application has undergone review for completeness according to the submittal checklist and application guidelines.

Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 Title 7), your application has been deemed complete as of January 19, 2023. Additional comments may be made at a later time if changes are made to the project.

Based on my review, the following zoning permits are required:

- Use Permit, pursuant BMC 23.202.020, for a new single-family dwelling; and
- Administrative Use Permit, pursuant to BMC 23.210.020, to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone.
- Administrative Use Permits, pursuant to BMC 23.322.080, to construct two parking spaces in a required front setback.
- Administrative Use Permit, pursuant to BMC Section 23.304.070(B), to construct an accessory structure (backyard retaining walls) encroaching into a required setback.

Advisory Comment: In addition to the permits listed above, prior to obtaining a building permit, you must obtain an encroachment agreement from the Public Works Engineering Department for the proposed stairs in the public right-of-way.

January 19, 2023

705 Euclid Avenue – Complete Application Notice

Page 2 of 2

Use Permit #ZP2022-0104

Level of Review Under the California Environmental Quality Act

Under the California Environmental Quality Act (CEQA), staff determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration will be required, depending on the type of project. This determination will be made within 30 days of an application being deemed complete. If a project is exempt from CEQA, staff recommends an exemption determination to either the Zoning Officer or the Zoning Adjustments Board (ZAB).

Staff's recommendation is that this project meets the criteria for a **Categorical Exemption**, pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). However, the final determination is made by the Zoning Adjustments Board (ZAB).

Project Review

Now that your Use Permit application is deemed complete, I will work to finish my analysis of this project and prepare the staff report and recommendations for consideration by the ZAB at the public hearing within 60 to 90 days of the application being deemed complete. Under the Permit Streamlining Act, if the ZAB determines that the project is exempt from CEQA, they must act on the project within 30 days of their determination.

Next Steps

During the course of my review, additional information may be required to correct, clarify, or amplify the details provided in the application. This may result in additional fees for zoning permits, CEQA review costs, and other processes/reviews, as needed based on the City's adopted fee schedule.

Please reach out to me directly if you have any questions about your project application.

Sincerely,



Russell Roe

Associate Planner

(510) 981-7548

rroe@cityofberkeley.info

cc: Tarek Khoury, via email: tarek.khoury@gmail.com



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


**ZONING ADJUSTMENTS BOARD
NOTICE OF PUBLIC HEARING**

SUBJECT: 705 Euclid Avenue
Use Permit #ZP2022-0104

WHEN: Thursday, April 27, 2023.
Meeting starts at 7:00 pm.

WHERE: Berkeley Unified School District Board
Room, 1231 Addison Street, Berkeley.
Wheelchair accessible
**PUBLIC PARTICIPATION BY REMOTE
VIDEO OR IN-PERSON. Please see the
agenda for more details:**
[https://berkeleyca.gov/sites/default/files/docu
ments/2023-04-27_ZAB%20Agenda.pdf](https://berkeleyca.gov/sites/default/files/documents/2023-04-27_ZAB%20Agenda.pdf)

«NAME1»
«NAME2»
«ADDRESS1» «ADDRESS2»

	<p>SUBJECT: 705 Euclid Avenue, Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.</p> <p>CEQA RECOMMENDATION: Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures")</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>All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.</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://berkeleyca.gov/sites/default/files/documents/2023-04-27_ZAB%20Agenda.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>Post and Mail Date: April 13, 2023</p>	<p>All application materials are available at the Land Use Planning Division online at: https://lupa.cityofberkeley.info/CitizenAccess/Welcome.aspx</p> <p>The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board</p>

Internal

NAME1	NAME2	ADDRESS1	ADDRESS2
Berkeley Hills Progressive Neighbors	861 REGAL RD	BERKELEY CA 94708	
North East Berkeley Association	P.O. BOX 7477	BERKELEY CA 94707	
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	Berkeley, CA 94720-1382	
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	
LORENZ LISA A & ROGERS MICHAEL S	101 POPLAR ST	BERKELEY CA	94708
HARRISON WILLIAM A & ADA M TRS	1041 HARVARD RD	PIEDMONT CA	94610
PERLMUTTER SAUL & NELSON LAURA	127 POPLAR ST	BERKELEY CA	94708
HUANG DAVID & SHIRLEY H	131 POPLAR ST	BERKELEY CA	94708
VERRALL SHAHLA TR	145 POPLAR ST	BERKELEY CA	94708
WAGNER JOHN K & DUNN RAE S TRS	2340 POWELL ST	EMERYVILLE CA	94608
BLUM MANUEL & LENORE C TRS	4770 BAYARD ST	PITTSBURGH PA	15213
GE YAN	661 EUCLID AVE	BERKELEY CA	94708
HUFF ALYSSA M & WARREN CHRISTOPHER M ETAL	667 EUCLID AVE	BERKELEY CA	94708
YAMAGUCHI MIKE M & MAEDA HIROKO	669 EUCLID AVE	BERKELEY CA	94708
LIN IKUAN & JEAN TRS	670 HILDALE AVE	BERKELEY CA	94708
WAGNER JOHN K & DUNN RAE S TRS	679 CRAGMONT AVE	BERKELEY CA	94708
PASLEY BRIAN & VEGA VANESSA	684 HILDALE AVE	BERKELEY CA	94708
HESTER ROBERT E & BONNIE T TRS	685 CRAGMONT AVE	BERKELEY CA	94708
RICCI PAOLO F & ANDREA F TRS	685 HILDALE AVE	BERKELEY CA	94708
ELLIS DLONRA C & OBASOGIE OSAGIE	686 EUCLID AVE	BERKELEY CA	94708
EPSTEIN MARK & IBASCO SUZETTE	690 EUCLID AVE	BERKELEY CA	94708
NICHOLS JOHANNA B	690 HILDALE AVE	BERKELEY CA	94708
STANGELAND BRUCE E TR	691 CRAGMONT AVE	BERKELEY CA	94708
KAGNO DAVID L TR	692 HILDALE AVE	BERKELEY CA	94708
THARISAYI GEORGE P & VIMALA	693 HILDALE AVE	BERKELEY CA	94708
RAPHAEL THEODORE D & MARY E TRS	694 HILDALE AVE	BERKELEY CA	94708
KELLEHER KEVIN & SONG LINDA TRS	695 CRAGMONT AVE	BERKELEY CA	94708
MORPHOPOULOS HERCULAS D & WADA YOSHIKO I	696 HILDALE AVE	BERKELEY CA	94708
MCVITTY JOHN D JR TR	698 HILDALE AVE	BERKELEY CA	94708
STRALKA MICHAEL A & OKEEFE KELLY L	699 HILDALE AVE	BERKELEY CA	94708
LIN FAITH & MCLEAN KYLE R	701 CRAGMONT AVE	BERKELEY CA	94708
BRESLOW JACK	702 HILDALE AVE	BERKELEY CA	94708
BEAL M S TR	705 CRAGMONT AVE	BERKELEY CA	94708
KRAMER ALAN H	705 HILDALE AVE	BERKELEY CA	94708
BLOMBERG ROBERT C TR	706 HILDALE AVE	BERKELEY CA	94708
GELLNER ARROL A & NI AIDONG	707 CRAGMONT AVE	BERKELEY CA	94708
SHELLENBERGER MICHAEL & LEE HELEN	708 EUCLID AVE	BERKELEY CA	94708

Internal

CHANDLER DAVID & ELAINE A TRS	710 HILLDALE AVE	BERKELEY CA	94708
HONGISTO SONJA R TR	710 QUAIL CREST DR	WALNUT CREEK CA	94598
KORTEN MAX F & BEACH STACEY L	711 HILLDALE AVE	BERKELEY CA	94708
GLENNON WILLIAM E	713 EUCLID AVE	BERKELEY CA	94708
SLENDEBROEK ALBERT & FRIGERIO ELIZABETH L	714 EUCLID AVE	BERKELEY CA	94708
OCONNOR JANET J TR	714 HILLDALE AVE	BERKELEY CA	94708
LICHTENSTEIN SIEW H TR - CREDIT TRUST	715 EUCLID AVE	BERKELEY CA	94708
ORTEGA DANIEL & RYABOVA LOLLA	717 EUCLID AVE	BERKELEY CA	94708
NATARAJ HARISH & SUNDARAM SWAPNA TRS	717 HILLDALE AVE	BERKELEY CA	94708
BULLMAN BRUCE D & VICKI L TRS	719 CRAGMONT AVE	BERKELEY CA	94708
WAGNER KATHERINE J TR	720 HILLDALE AVE	BERKELEY CA	94708
LIEBMAN MARK V & MYERS LAUHLIN M TRS	721 CRAGMONT AVE	BERKELEY CA	94708
CARMAN RICHARD A & MARA W TRS	721 HILLDALE AVE	BERKELEY CA	94708
DALY JOSEPH A & SUSAN E TRS	724 EUCLID AVE	BERKELEY CA	94708
CHATER JOHN & VERONICA TRS	725 CRAGMONT AVE	BERKELEY CA	94708
NAGARVALA PHIROZE J & ISOLANINAGARVALA TAMINA	725 EUCLID AVE	BERKELEY CA	94708
ROGERS ANN	725 HILLDALE AVE	BERKELEY CA	94708
PARDEE JOHN A & VERA P TRS	726 EUCLID AVE	BERKELEY CA	94708
WONG ELISA Y TR	738 EUCLID AVE	BERKELEY CA	94708
KHOURY MICHEL & TAREK	903 VENTURA AVE	ALBANY CA	94707
OCCUPANT(S)	671 CRAGMONT AV	BERKELEY CA	94708
OCCUPANT(S)	680 HILLDALE AV	BERKELEY CA	94708
OCCUPANT(S)	696 EUCLID AV	BERKELEY CA	94708
OCCUPANT(S)	700 EUCLID AV	BERKELEY CA	94708
OCCUPANT(S)	726 HILLDALE AV	BERKELEY CA	94708
OCCUPANT(S)	734 EUCLID AV	BERKELEY CA	94708
John Newton	5666 Telegraph Avenue	Oakland CA	94609

HARPER & ARMSTRONG, LLP

1634 Telegraph Avenue, #3 • Oakland, CA 94612
Ph: (510) 420-8455 • Fax: (510) 858-5953 • kathryn.rauber@harperarmstrong.com

April 15, 2023

BY E MAIL & US MAIL

City of Berkeley
Planning and Development
1947 Center St., 2nd Fl.
Berkeley, CA 94704
510-981-7410
planning@cityofberkeley.info

Re: Withdrawal of Support for and Objection to Application for Zoning Permit No. ZP2022-0104, 705 Euclid Avenue

To Whom It May Concern:

I write on behalf of Yoshiko Wada, owner of 696 Hilldale Avenue, Berkeley, CA 94708 to formally withdraw her approval for and issue an objection against a proposed new structure at 705 Euclid Avenue, Berkeley, CA 94708. The owners of 705 Euclid Avenue (APN 063-295504001) have submitted an application for a zoning permit to the City of Berkeley, which currently is under review as Record No. ZP2022-0104.

Ms. Wada lives at 696 Hilldale Avenue, which is bordered to the south by an empty lot with the address 705 Euclid Avenue. In early 2022, the owners of 705 Euclid contacted Ms. Wada seeking to obtain her approval to construct a four-story building on the empty lot. The contemplated structure would require the owners to obtain a zoning permit to exceed the allowable building height. Ms. Wada asked for the story poles to determine whether the proposed new building would block her view of the bay. The owners told her that the story poles were not ready, but they offered to meet to explain to her how tall the building would be in relation to her home.

In April 2022, Ms. Wada met with the owners of 705 Euclid. Based on their representations, Ms. Wada determined that her view would not be obscured and granted her approval to allow the project to proceed.

Thereafter, Ms. Wada was out of the country for several months. The owners of 705 Euclid Avenue filed the above-mentioned application seeking permission to construct a new dwelling exceeding 28 feet in average height and 35 feet in maximum height. They also erected the story poles for the proposed new building in late 2022 while she was away.

When Ms. Wada returned from abroad in April 2023, she observed the story poles in place and discovered that contrary to the owners' explanation, the new building will significantly block her view of the bay. Based on this discovery, Ms. Wada hereby withdraws her approval for the project currently under review as Record No. ZP2022-0104 and formally objects to the issuance of a zoning permit to allow the building to be constructed as currently planned.

Regards,

A handwritten signature in black ink, appearing to read 'Kathryn Rauber', with a long, sweeping horizontal line extending to the right.

Kathryn Rauber

From: [Roe, Russell](#)
To: "kathryn.rauber@harperarmstrong.com"
Subject: letter regarding ZP2022-0104, 705 Euclid Ave.
Date: Monday, April 17, 2023 3:24:00 PM

Ms. Rauber,

This message is to acknowledge the receipt of your letter in opposition to the project to build a new house at 705 Euclid Avenue. It arrived just in time to be included as an attachment to the staff report that will be forward to the Zoning Adjustments Board sometime tomorrow. Therefore, each Board member will have a copy of the letter. My suggestion is that you and/or your client plan on attending the ZAB meeting next Thursday evening (April 27), either in person or remotely via Zoom. Right now the project is on the Consent Calendar for simple approval toward the beginning of the meeting. However, near the beginning of the meeting, the Board will invite attendees to ask that it be removed from Consent and put in queue for discussion. You or your client should speak up at that time. When the time comes to discuss it, each party will have 2-3 minutes to present their case to the Board.

The April 27 ZAB meeting agenda, including instructions on how to join the meeting, will be available here within the next couple of days:

<https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

Please let me know if you have any questions.

Russell Roe
Associate Planner/ Code Enforcement
City of Berkeley
(510) 981-7548

From: [Shona Armstrong](#)
To: [Heather Sanders-Jacob](#)
Cc: [Roe, Russell](#)
Subject: Re: ZP2022-0104 (705 Euclid) - ZAB appeals process?
Date: Friday, April 28, 2023 5:45:25 PM

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.

The ZAB absolutely denied Ted Raphael the opportunity to speak. Mr. Raphael originally went to the podium when the item was on the consent calendar and the ZAB staff instructed him to wait, because he would have an opportunity to speak when the item was called for public hearing. When the item was eventually called at public hearing, however, despite the fact that the ZAB staff acknowledged Mr. Raphael as one of the speakers in line with his hand raised to speak, the ZAB denied him the opportunity by never calling on him or unmuting him.

The ZAB is ignoring the significant impact this project, which exceeds permissible height restrictions, will have on neighbors who are concerned about both views and privacy. It is an ideal candidate for negotiation and compromise, but ZAB did not care to hear about the impact on the neighbors. As a result, the ZAB's process has denied the neighbors due process and has denied the neighborhood the time necessary for concerned parties to reach a negotiated and mutually acceptable compromise.

ZAB's process is not just leading to poor results. It is denying constitutional rights.

On Fri, Apr 28, 2023 at 5:18 PM <heather@shelterwerk.com> wrote:

Good afternoon, Russel –

I'm part of the group that spoke in opposition to the project proposed at 705 Euclid last night. We understand that there's an appeals process that might be open to us and time is probably very limited. Is there a letter that will be issued to the neighbors informing them of the process and timeline? Please advise.

Also, some of the neighbors are upset that the time was so short to speak; that board members had departed mid-meeting; that the meeting went so late (also, one couple stayed up till nearly midnight and were never called on, even though they had their virtual "hand" up). While we all understand that the admirable goal was to get through the agenda, the result was a sense of being rushed, compromised due process, and sloppiness on behalf of the ZAB. The ship has left port, but is there a good place to provide feedback so that the ZAB knows how good intent is potentially leading to poor results?

Many thanks,

Heather Sanders-Jacob

AIA, LEED AP

SHELTERWERK

1904 Franklin Street, Suite 310

Oakland, CA 94612

T: 510.595.3836 ext 1

www.shelterwerk.com

--

Shona Armstrong, Esq.
Harper & Armstrong, LLP
1634 Telegraph Ave., #3
Oakland, CA 94612
(w) [\(510\) 420-8455](tel:5104208455)
(c) [\(510\) 508-5017](tel:5105085017)

From: heather@shelterwerk.com
To: [Roe, Russell](#)
Cc: "[Shona Armstrong](#)"; [Garcia, Claudia](#)
Subject: RE: ZP2022-0104 (705 Euclid) - ZAB appeals process?
Date: Monday, May 01, 2023 9:19:12 AM

Thank you, Russell, for the info on both items. The homeowner at 696 Hilldale is currently residing in England, and Ms. Armstrong and I are representing her while she's away. Could I please have an email copy of the letter that will be going out to her?

Thank you,

Heather Sanders-Jacob

AIA, LEED AP

SHELTERWERK

1904 Franklin Street, Suite 310
Oakland, CA 94612

T: 510.595.3836 ext 1
www.shelterwerk.com

From: Roe, Russell <RRoe@cityofberkeley.info>
Sent: Monday, May 1, 2023 8:47 AM
To: heather@shelterwerk.com
Cc: 'Shona Armstrong' <shona.armstrong@harperarmstrong.com>; Garcia, Claudia <CGarcia@cityofberkeley.info>
Subject: RE: ZP2022-0104 (705 Euclid) - ZAB appeals process?

Heather,

Appeals must be filed with the City Clerk within 14 days of the date on the Notice of Decision letter. I'm not sure exactly when that letter will be mailed out, but I expect that it will be very soon. For more information on the appeals process, check here: <https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/filing-appeal-zoning-or-land-use>

As for the late night and limited speaking time at the meeting, those decisions are made by the Board members. You can provide them with feedback by emailing zab@berkeleyca.gov or writing to: Zoning Adjustments Board, Planning & Development Department, 1947 Center Street, 2nd Floor, Berkeley CA 94704. All communications sent to these addresses will be forwarded to the Board members.

Russell Roe
Associate Planner/ Code Enforcement
City of Berkeley
(510) 981-7548

From: heather@shelterwerk.com <heather@shelterwerk.com>
Sent: Friday, April 28, 2023 5:19 PM
To: Roe, Russell <RRoe@cityofberkeley.info>
Cc: 'Shona Armstrong' <shona.armstrong@harperarmstrong.com>
Subject: ZP2022-0104 (705 Euclid) - ZAB appeals process?

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.

Good afternoon, Russel –

I'm part of the group that spoke in opposition to the project proposed at 705 Euclid last night. We understand that there's an appeals process that might be open to us and time is probably very limited. Is there a letter that will be issued to the neighbors informing them of the process and timeline? Please advise.

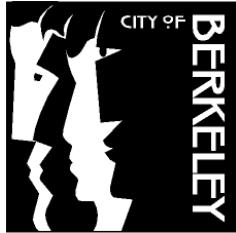
Also, some of the neighbors are upset that the time was so short to speak; that board members had departed mid-meeting; that the meeting went so late (also, one couple stayed up till nearly midnight and were never called on, even though they hand their virtual "hand" up). While we all understand that the admirable goal was to get through the agenda, the result was a sense of being rushed, compromised due process, and sloppiness on behalf of the ZAB. The ship has left port, but is there a good place to provide feedback so that the ZAB knows how good intent is potentially leading to poor results?

Many thanks,

Heather Sanders-Jacob
AIA, LEED AP

SHELTERWERK
1904 Franklin Street, Suite 310
Oakland, CA 94612

T: 510.595.3836 ext 1
www.shelterwerk.com



Planning and Development Department
Land Use Planning Division

PROOF OF SERVICE

DATE: May 9, 2023
TO: Whom It May Concern
FROM: Melinda Jacob, OSII
SUBJECT: **USE PERMIT #ZP2022-0104 – 705 EUCLID AVENUE**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age; that I am not a party to the within action; and that my business address is 1947 Center Street, Berkeley, California 94704. On this date, I served the following documents:

ZONING ADJUSTMENTS BOARD NOTICE OF DECISION

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

Tarek Khoury 903 Ventura Avenue Albany, CA 94707	John Newton 5666 Telegraph Avenue Oakland, CA 94609	Heather Sanders-Jacob Shelterwerk 1904 Franklin St., Ste. 310 Oakland, CA 94612
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- 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 May 9, 2023 at Berkeley, California.

Melinda A. Jacob

Melinda Jacob, OSII



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

DATE OF BOARD DECISION: April 27, 2023
DATE NOTICE MAILED: May 9, 2023
APPEAL PERIOD EXPIRATION: May 23, 2023
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)¹: May 24, 2023

705 Euclid Avenue

Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permits:

- Use Permit for a new single-family dwelling, under Berkeley Municipal Code (BMC) Section 23.202.020(A)
- Administrative Use Permit to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone, under BMC Section 23.210.020
- Administrative Use Permit to construct two parking spaces in a required front setback, under BMC Section 23.322.080
- Administrative Use Permit to construct an accessory structure (backyard retaining walls) encroaching into a required setback, under BMC Section 23.304.070(B)

ZONING: R-1H- Single Family Residential, Hillside Overlay Zone

APPLICANT: John Newton, 5666 Telegraph Avenue, Oakland CA 94609

PROPERTY OWNER: Tarek and Michel Khoury, 903 Ventura Avenue, Albany CA 94707

INTERESTED PARTY: Heather Sanders-Jacob, Shelterwerk, 1904 Franklin Street, Suite 310, Oakland CA 94612, heather@shelterwerk.com

¹ Pursuant to BMC Section 23.410.050(C), 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
April 27, 2023

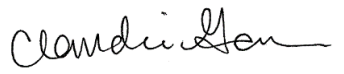
705 EUCLID AVENUE
Page 2 of 4

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures")

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

	Yes	No	Abstain	Absent	Recused
DUFFY	x				
HAUSER				x	
YUNG	x				
O'KEEFE				x	
LUNAPARRA			x		
SANDERSON	x				
THOMPSON	x				
GAFFNEY	x				
TREGUB	x				
BOARD VOTE:	6	0	1	2	0

ATTEST:


Claudia Garcia, Zoning Adjustments Board
Secretary

PUBLICATION OF NOTICE:

Pursuant to BMC Section 23.404.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7548 or rroe@berkeleyca.gov. All project application materials, including full-size plans, may be viewed online at: <https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>, or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

TO APPEAL THIS DECISION (see Section 23.410 of the Berkeley Municipal Code):

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
 - A. The fee for persons other than the applicant is \$1500. This fee may be reduced to \$500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
 - B. The fee for all appeals by Applicants is \$5,520.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

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

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 27, 2023

705 Euclid Avenue

Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.

ZONING PERMITS REQUIRED

- Use Permit for a new single-family dwelling, under Berkeley Municipal Code (BMC) Section 23.202.020(A)
- Administrative Use Permit to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone, under BMC Section 23210.020
- Administrative Use Permit to construct two parking spaces in a required front setback, under BMC Section 23.322.080
- Administrative Use Permit to construct an accessory structure (backyard retaining walls) encroaching into a required setback, under BMC Section 23.304.070(B)

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 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).
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 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

- A. Shadow studies submitted by the applicant show that new shadow effects would be minor due to the orientation of the new and existing structures, as well as the existence of tall trees along some of the property lines; and
- B. Privacy intrusions would be minimal because the proposed front balconies are set mostly forward of the fronts of the neighboring houses at 696 Hilldale and 713 Euclid Avenue, the applicant has proposed obscured glass for the windows that have the greatest potential for causing privacy concerns, and new and existing trees will act as visual obstructions between the properties; and
- C. Reduced availability of air will not be an issue because the proposed structure would be roughly 20-25 feet from its northern neighbor and more than 13 feet from its southern neighbor, and the project would exceed the usable open space requirement; and
- D. Story poles erected on the site show that significant views from neighboring properties will not be unreasonably affected.

III. OTHER FINDINGS FOR APPROVAL

- 2. As required by BMC 23.202.020(B), the Zoning Adjustments Board finds that:
 - A. The proposed project would meet all applicable development standards for the R-1 District except the height limits;
 - B. The proposed increased height limits are justifiable and approvable with an AUP because the proposed height is compatible with those of neighboring structures and story poles erected on the site did not reveal an unreasonable obstruction of significant views from neighboring properties; and
 - C. The proposed parking area, retaining walls, and exterior stairs are approvable in the front setback with an AUP because of the steep upward slope of the lot, and it would be consistent with many neighboring properties that have similar parking areas and stairs in their front setbacks; and
 - D. The proposed project would meet the purposes of the Single-Family Residential District and the Hillside Overlay Zone.

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. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination

that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).

- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement

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

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____

Name

Phone #

11. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
12. Tree Preservation Conditions. The Arborist Report dated May 26, 2022 shall be included with any application for a building permit, and shall be with the approved set of plans on the job site at all times while work is taking place.
13. Tree Protection Fencing. To protect the Specified Tree Protection Zone will be shown on all applicable site, landscape, grading, and utility plans. Such fencing shall comply with the guidelines specified in the Arborist Report dated May 26, 2022.

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

14. 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.
15. Prior to the issuance of any building or demolition permit, the applicant shall prepare and submit a transportation construction plan to the City Traffic Engineer for approval. Please contact the Office of Transportation at (510) 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.
16. 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](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/>

Prior to Issuance of Any Building (Construction) Permit

17. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

18. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS). A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans.
19. Electric Vehicle (EV) Charging. Each dwelling unit shall install a listed raceway, wiring, and load capacity to allow for future Level 2 (40 amp) plug-in electric vehicle (EV) charging system installation, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.
20. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
21. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80). The building permit plan set submission shall both include a cover sheet declaration: 'Natural Gas-Free Design as required by BMC Chapter 12.80.
22. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
23. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
24. Geotechnical Plan Review. The applicant's geotechnical consultant should review and approve all geotechnical aspects of the final project building a grading plans (i.e., site preparation and grading, shoring design, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations and retaining walls) to ensure that their recommendations have been properly incorporated.

The Project Geotechnical Consultant should clarify anticipated depths to bedrock materials across the site for structural design (i.e., at what depth can bedrock skin friction be used).

The results of the plan review should be summarized by the Geotechnical Consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.

During Construction:

25. 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.
26. Tree Protection Fencing to protect the Specified Tree Protection Zone must be installed prior to any site or demolition work, in accordance with the approved plans, and remain during all stages of site work and construction.
27. Tree Monitoring. Trees identified for protection in the Arborist Report dated May 26, 2022 shall be monitored monthly during construction by the project arborist.
28. Geotechnical Report. The contractors shall implement the recommendations of the Geotechnical Soil Report, dated March 15, 2022, including site preparation and earthwork, surface and subsurface drainage, foundation reinforcements, retaining wall design, lateral lode resistance, and seismic reinforcements.
29. Geotechnical Construction Inspections. The Geotechnical Consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete. The Consultant should inspect and approve of temporary shoring measures, as applicable during grading for proposed parking areas and residential improvements.

The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

30. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.
31. 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 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.
- 32. 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.
- 33. 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.
- 34. 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.

Please contact the Office of Transportation at (510) 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.

- 35.** 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.
- 36.** 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.
37. 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.
38. 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.
39. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).
- A. *Qualified Paleontologist*. The project applicant shall retain a Qualified Paleontologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
- B. *Paleontological Worker Environmental Awareness Program (WEAP)*. Prior to ground disturbance, the applicant shall incorporate information on paleontological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Paleontological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The Qualified Paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Paleontological WEAP training shall be fulfilled simultaneously with the overall

WEAP training, or at the first preconstruction meeting at which a Qualified Paleontologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

- C. *Paleontological Monitoring.* The extent of required paleontological monitoring for the project shall be determined by the Qualified Paleontologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Paleontologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of microscreening or other inspections for fossil resources. If the paleontologist determines that geologic units exposed between 5-10 feet BGS have high paleontological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be paleontological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no paleontological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, paleontological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.
- D. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.
 - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.

- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.
40. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
41. 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 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.
- 42.** 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.
- 43.** 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.
- 44.** 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.

45. 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.
46. 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.
47. 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:

48. 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.
49. 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 December 29, 2022, except as modified by conditions of approval.

At All Times:

50. 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.
51. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
52. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
53. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
54. Bird-Safe Glass. The use of bird-safe glass is encouraged for all windows.
55. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.

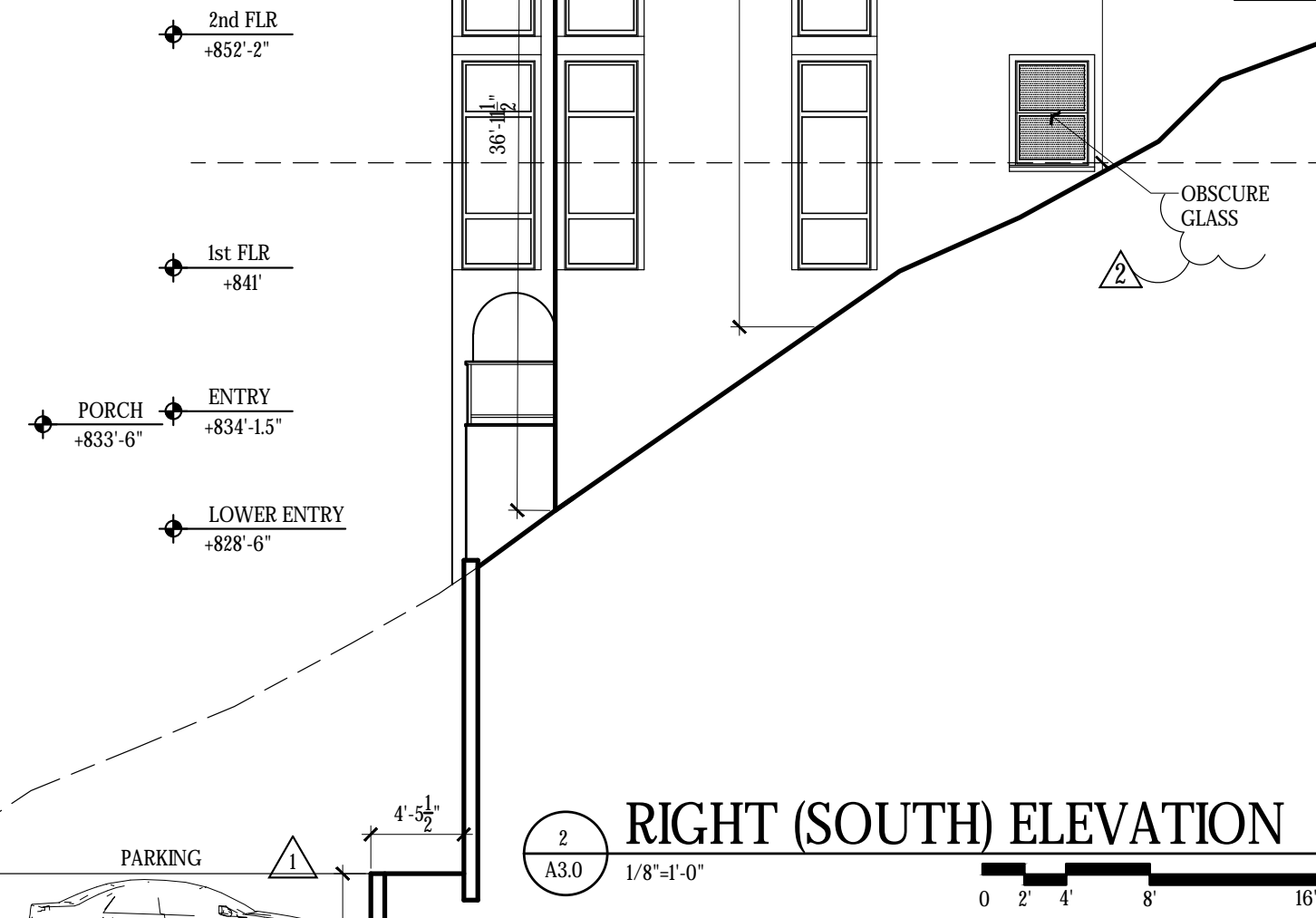
705 EUCLID AVENUE- USE PERMIT #ZP2022-0104
April 27, 2023

FINDINGS & CONDITIONS
Page 17 of 17



PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Claudia Newton
 SIGNATURE April 27, 2023 DATE
 * Findings and Conditions Attached



TYPICAL MATERIALS:

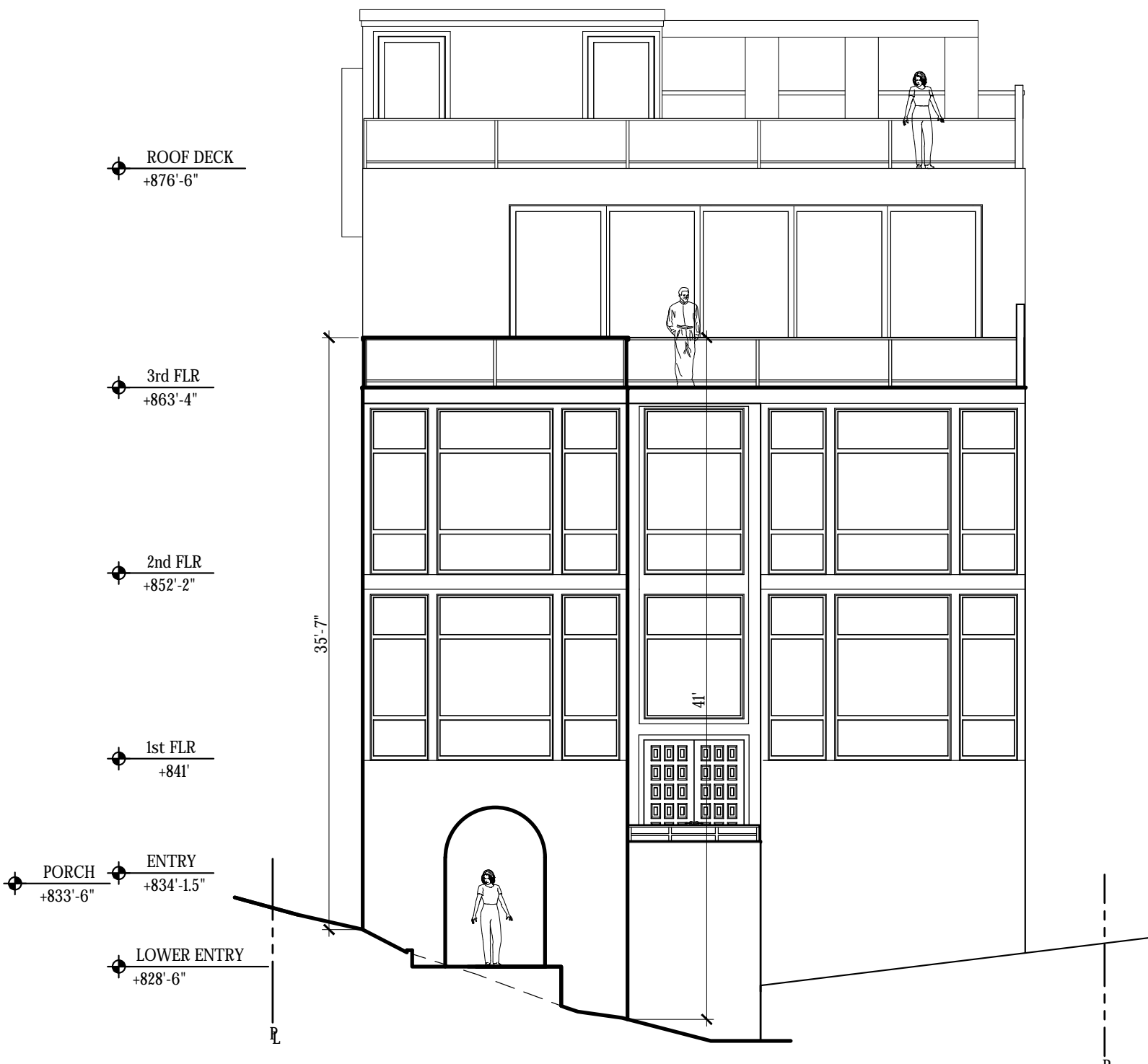
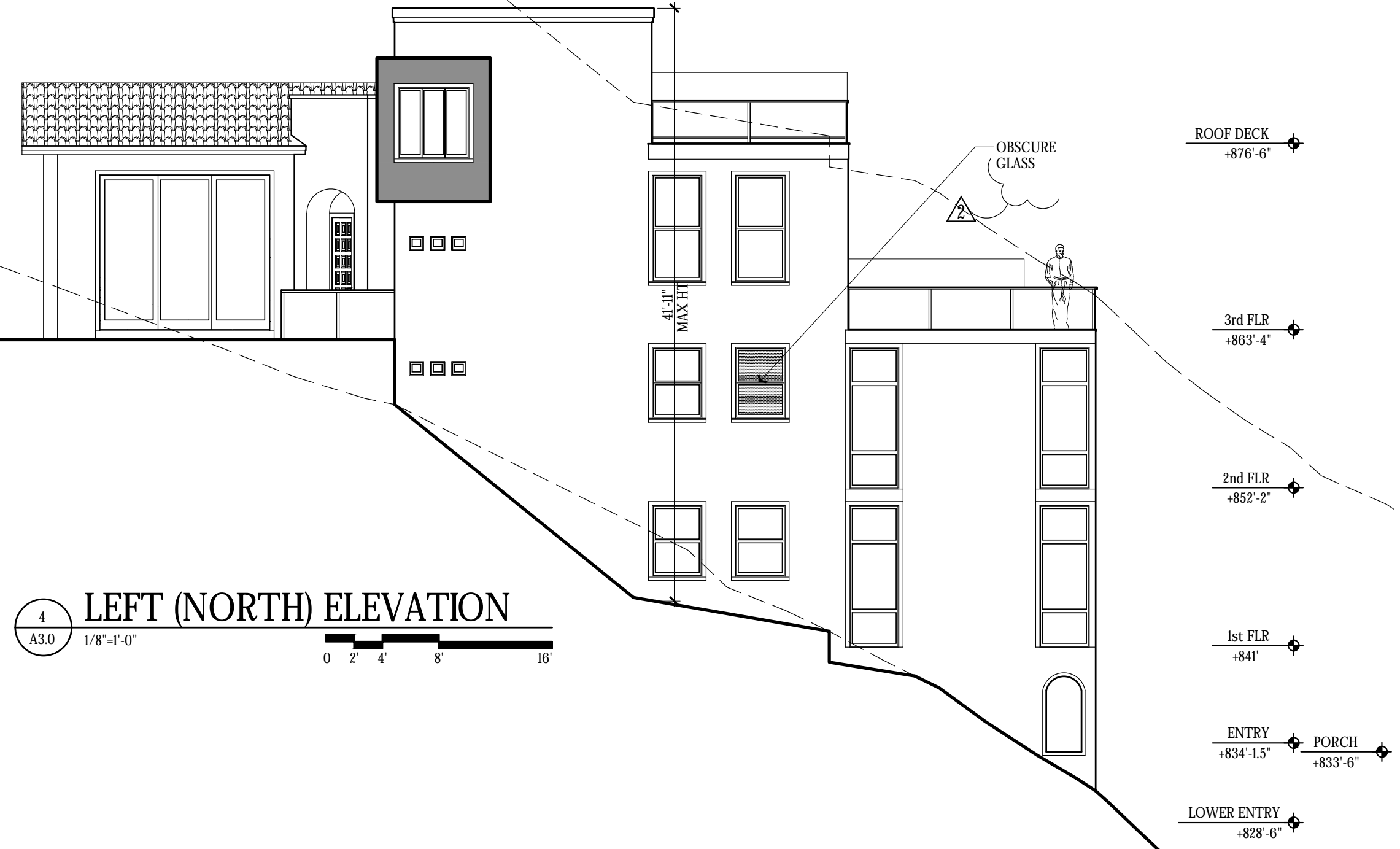
ROOF: CLASS A MEMBRANE TYPICAL; CLAY TILE AT KITCHEN SHOWN HATCHED

SIDING: STUCCO, TYP; WOOD SIDING AT OVERHANG AND KITCHEN BAY SHOWN HATCHED

DECKS & RAILING: TILE OVER TPO MEMBRANE TYP; METAL & GLASS RAILINGS TYPICAL

WINDOWS: DUAL-PANE ALUM-CLAD WOOD

DOORS: DUAL PANE ALUM-CLAD WOOD FRENCH
DOORS: SOLID WOOD AT ENTRY



John Newton
Design & Development

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Oakland, CA 94609
(510) 847-4108
DESIGN CONSULTATION
& PROJECT MANAGEMENT

CM Engineers
(925)818-0570
Cyrus Mashhoodi, PE
REGISTERED DESIGN
PROFESSIONAL IN
RESPONSIBLE CHARGE

**NEW
RESIDENCE**

PROJECT ADDRESS:
705 Euclid Avenue
Berkeley, CA 94708
APN: 63-2955-40-1

OWNER:
Tarek Khoury
903 Ventura Ave.,
Albany, CA 94707
(510)-387-7100

**PROPOSED
ELEVATIONS**

REVISION

No.	Description	Date
△	DESIGN REV	9/21/22
△	PLAN CHECK	12/28/22

PROJECT No. :
DRAWN BY: ML
CHECKED BY: JMN
DATE: 12/28/22

A3.0

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Claudia Lee **April 27, 2023**
 SIGNATURE DATE

* Findings and Conditions Attached

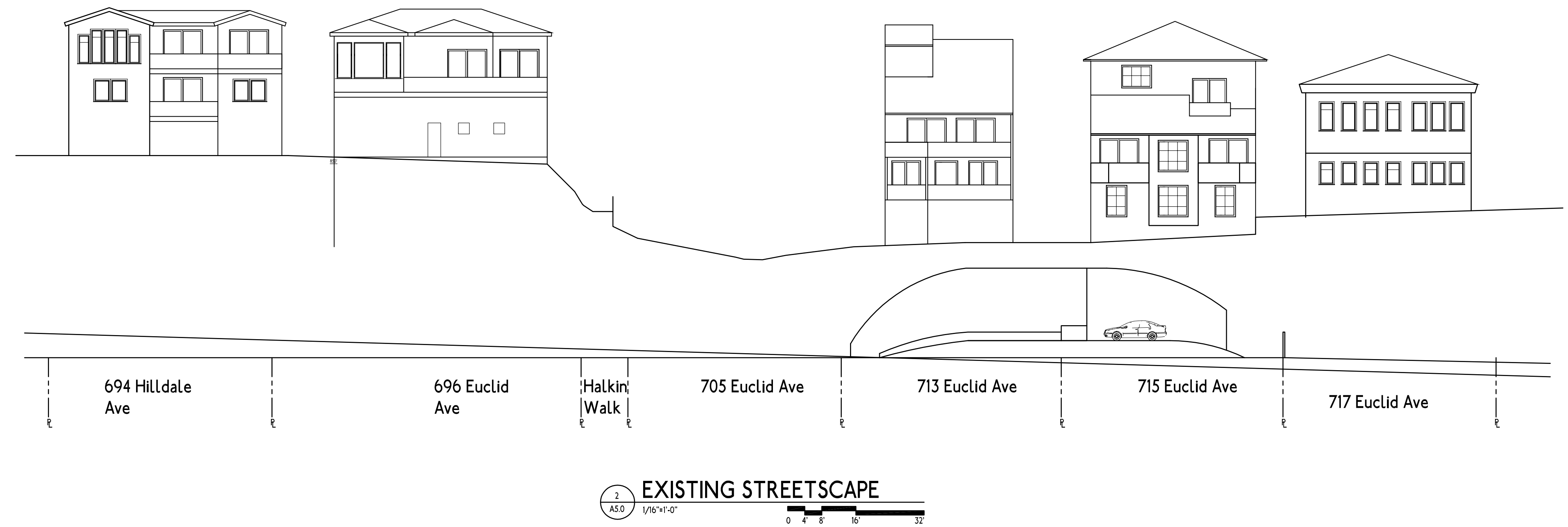
John Newton
 Design & Development
 5666 Telegraph Ave, Ste A
 Oakland, CA 94609
 (510) 847-4108
 DESIGN CONSULTATION
 & PROJECT MANAGEMENT

CM Engineers
 (925)818-0570
 Cyrus Mashhoodi, PE
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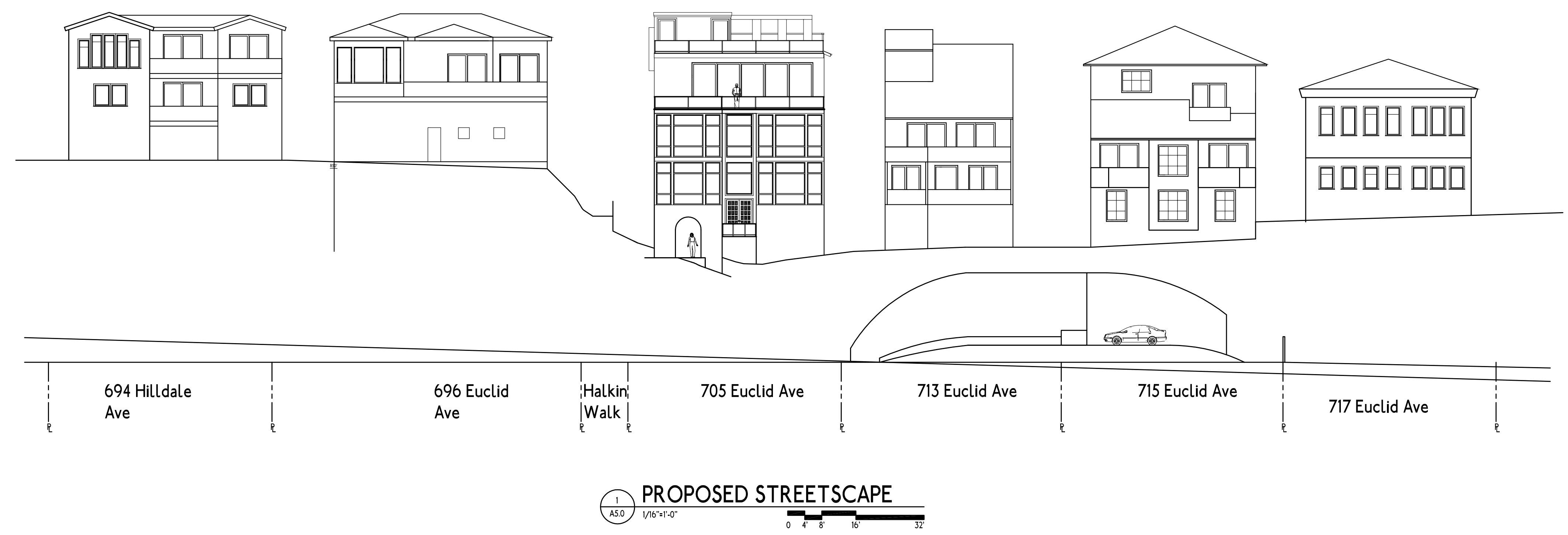
*NEW
 RESIDENCE*

*PROJECT ADDRESS:
 705 Euclid Avenue
 Berkeley, CA 94708
 APN: 63-2955-40-1*

*OWNER:
 Tarek Khoury
 903 Ventura Ave.,
 Albany, CA 94707
 (510)-387-7100*



**EXISTING &
 PROPOSED
 STREETScape**



REVISION		
No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No. :
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 3/21/22

A5.0

NEW RESIDENCE

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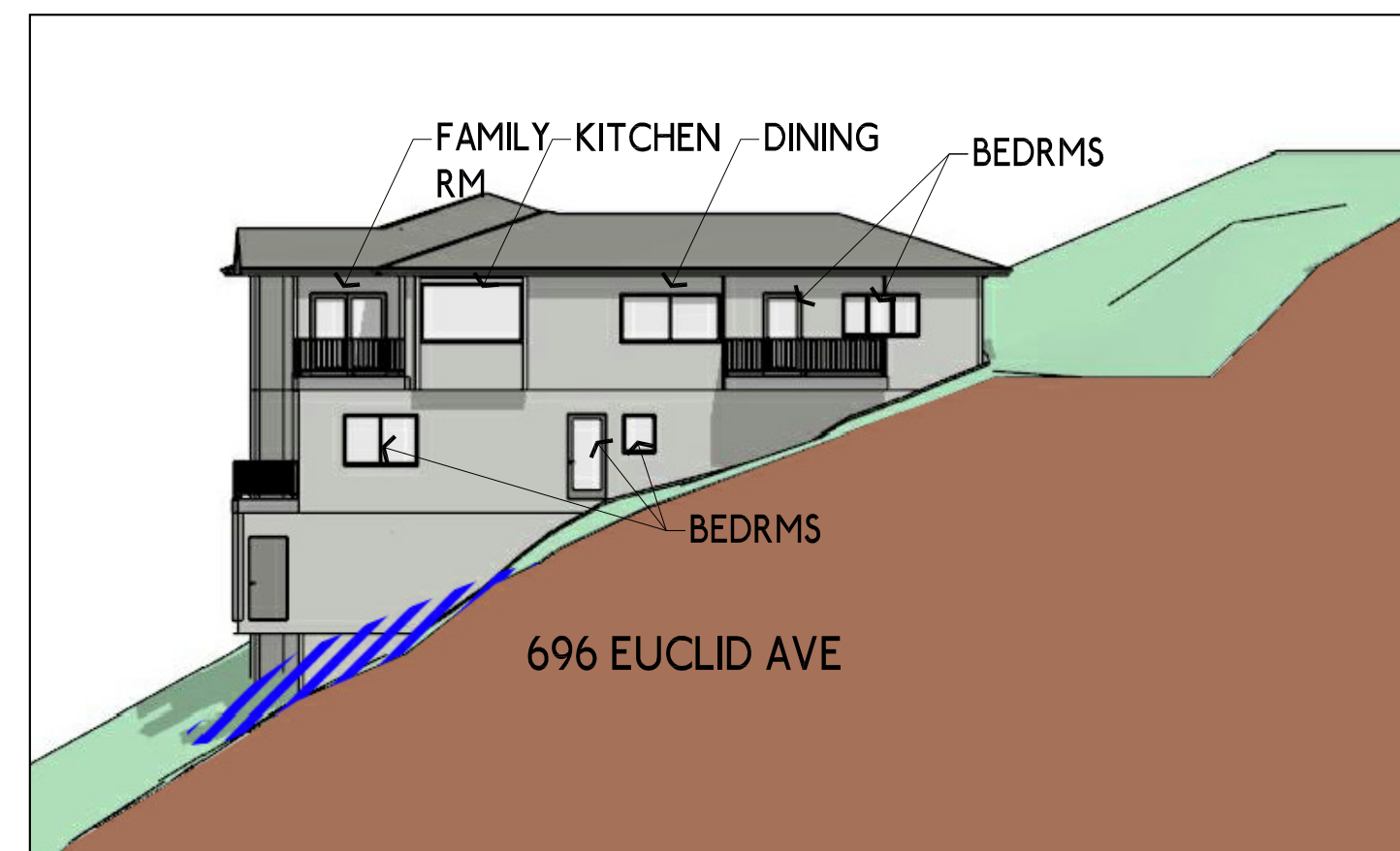
SHADOW STUDY PART 1

REVISION

No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 3/21/22

A6.0



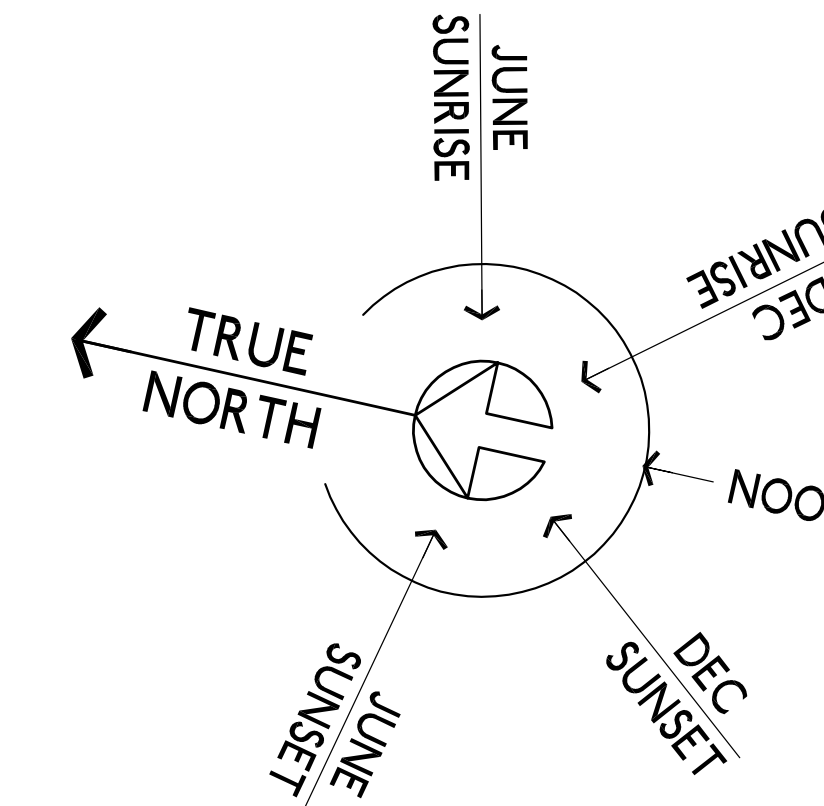
FEBRUARY 26-NOON

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

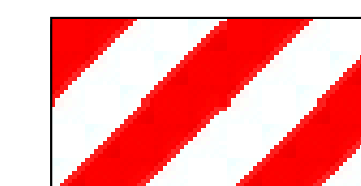
Claudia... **April 27, 2023**

SIGNATURE DATE

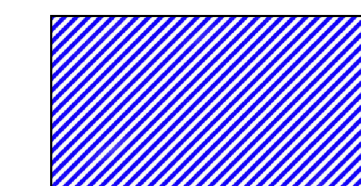
* Findings and Conditions Attached



LEGEND

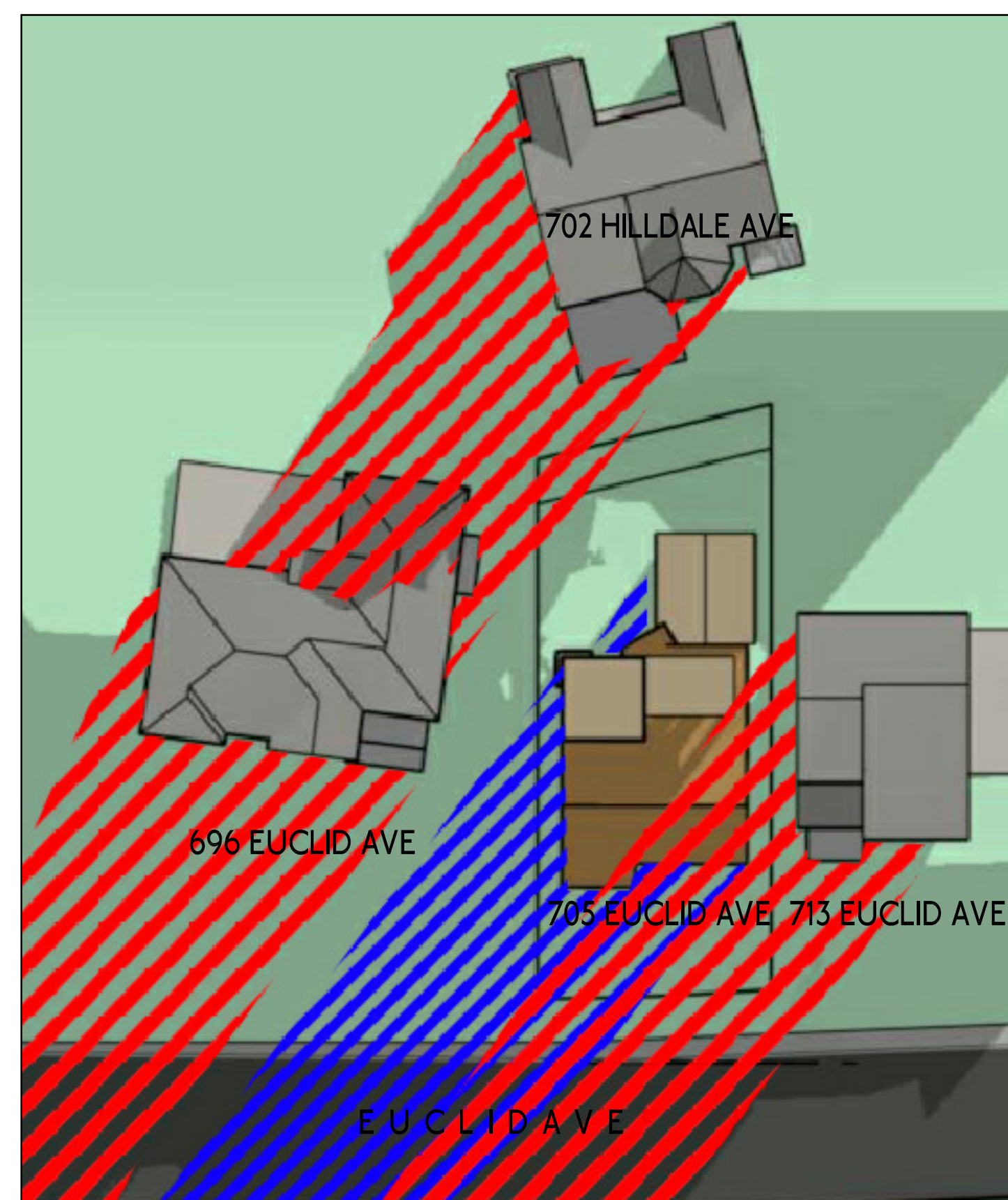


NEIGHBORING BUILDINGS
 EXISTING SHADOW

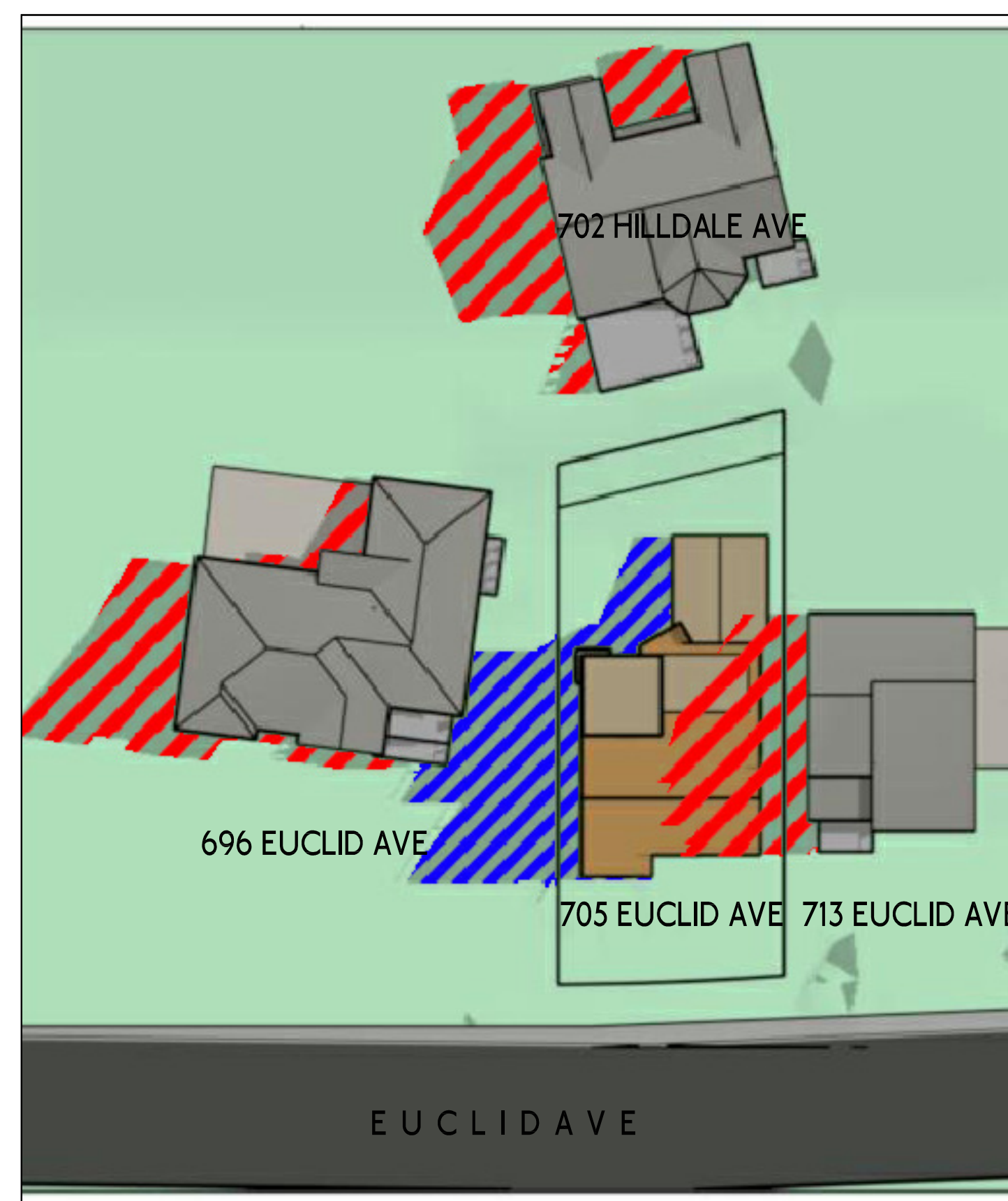


NEW SHADOW

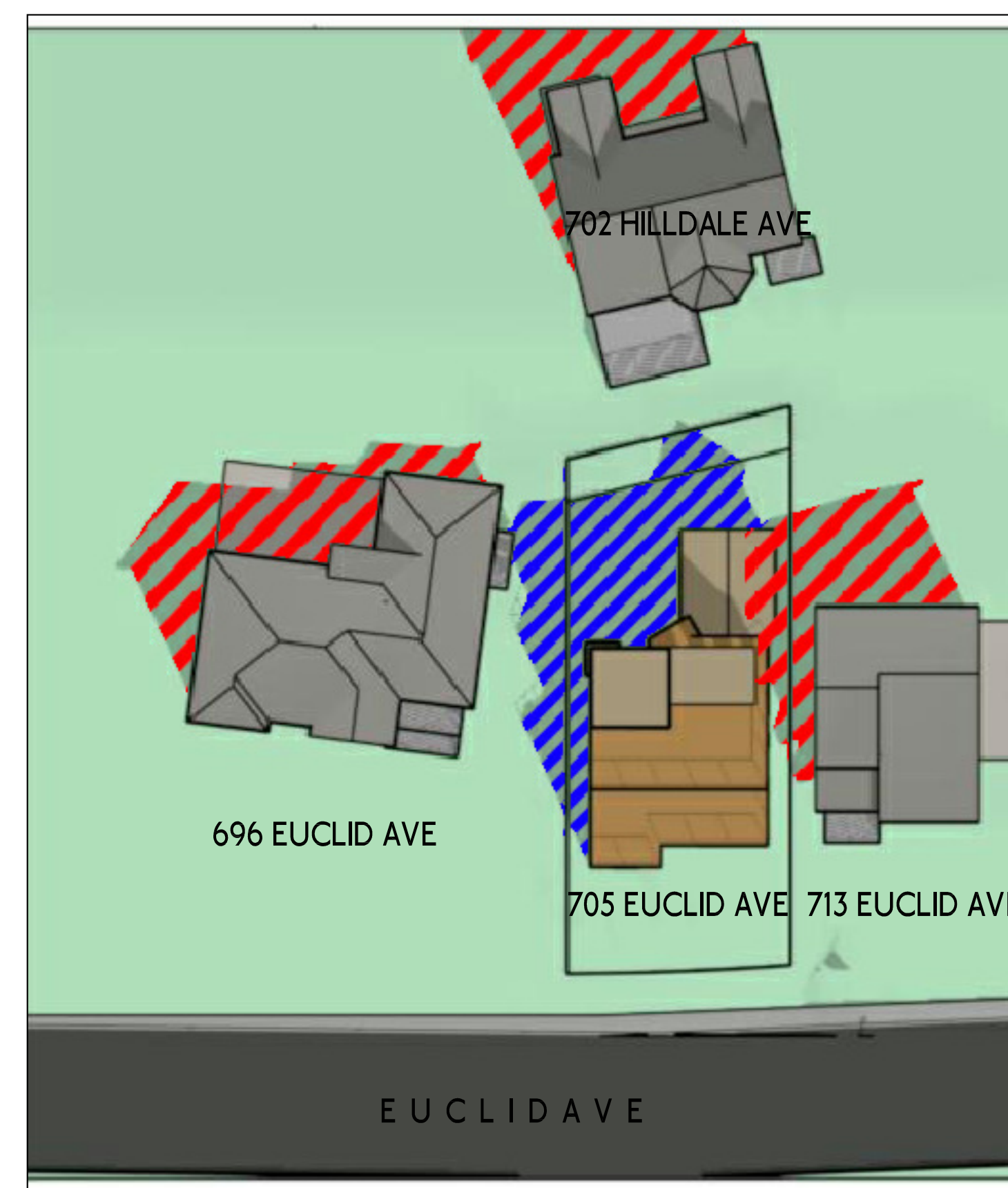
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 SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 705 EUCLID AVE. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.



1 FEBRUARY 26-8:45 AM



2 FEBRUARY 26-NOON



3 FEBRUARY 26-4:00 PM



NEW RESIDENCE

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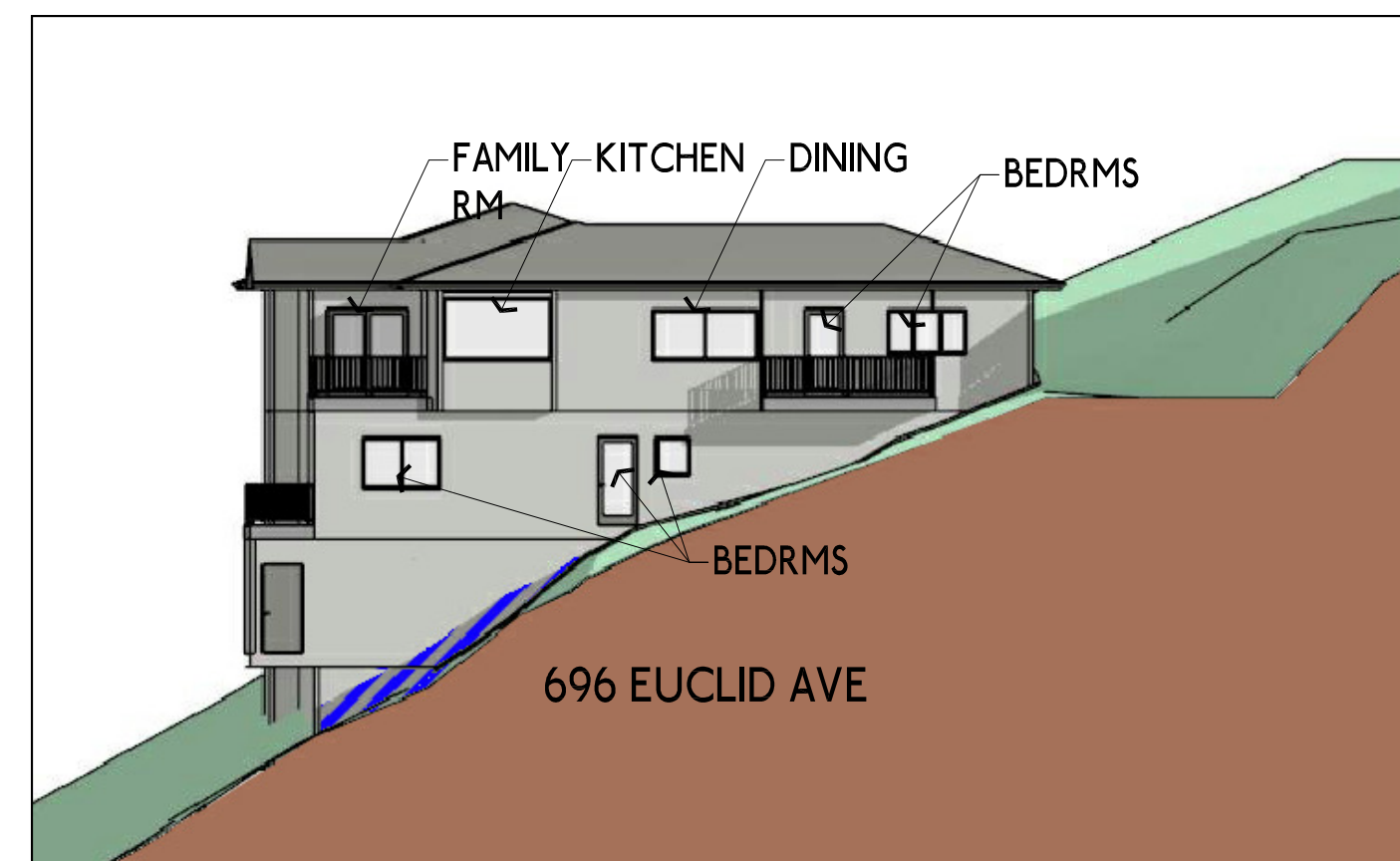
SHADOW STUDY PART 3

REVISION

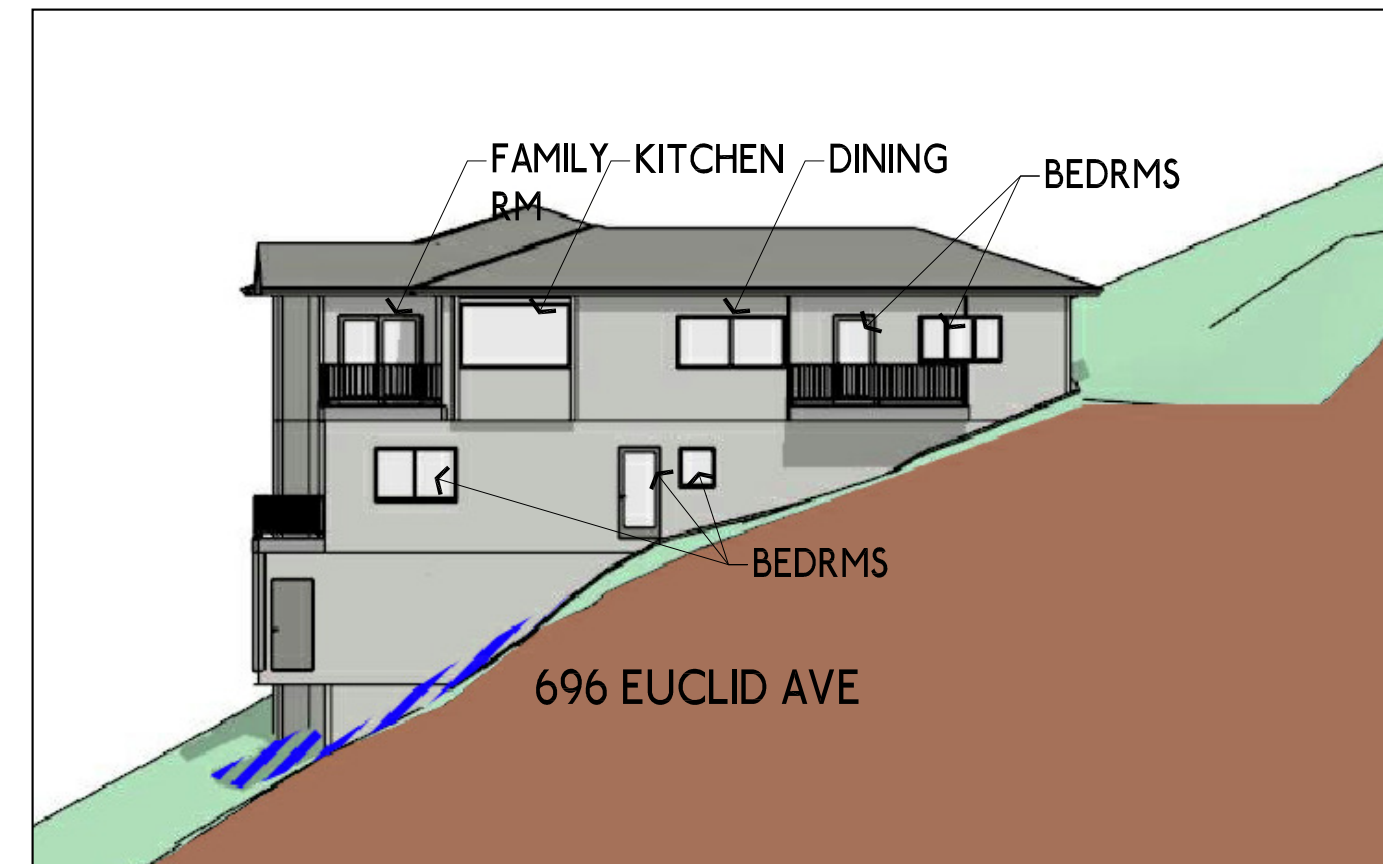
No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 3/21/22

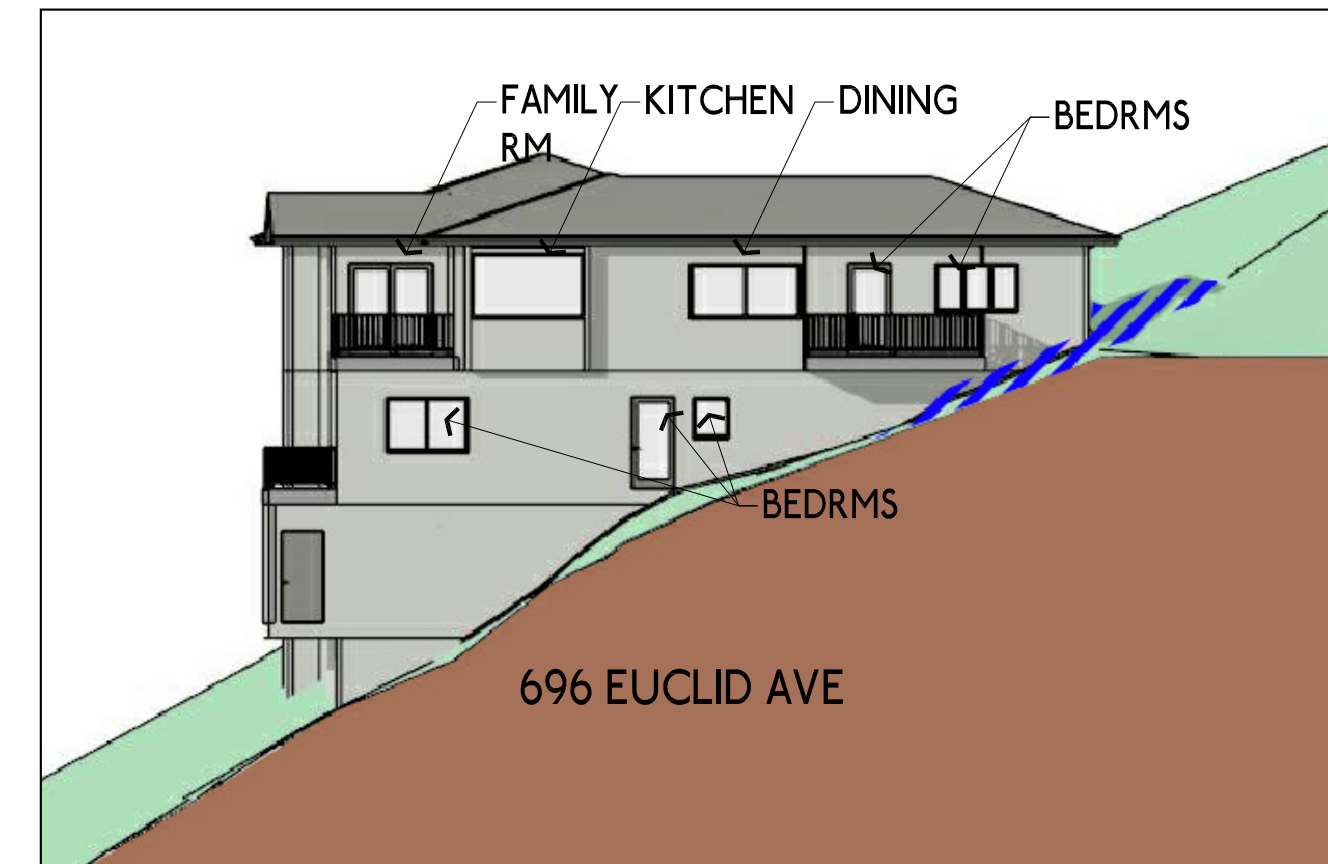
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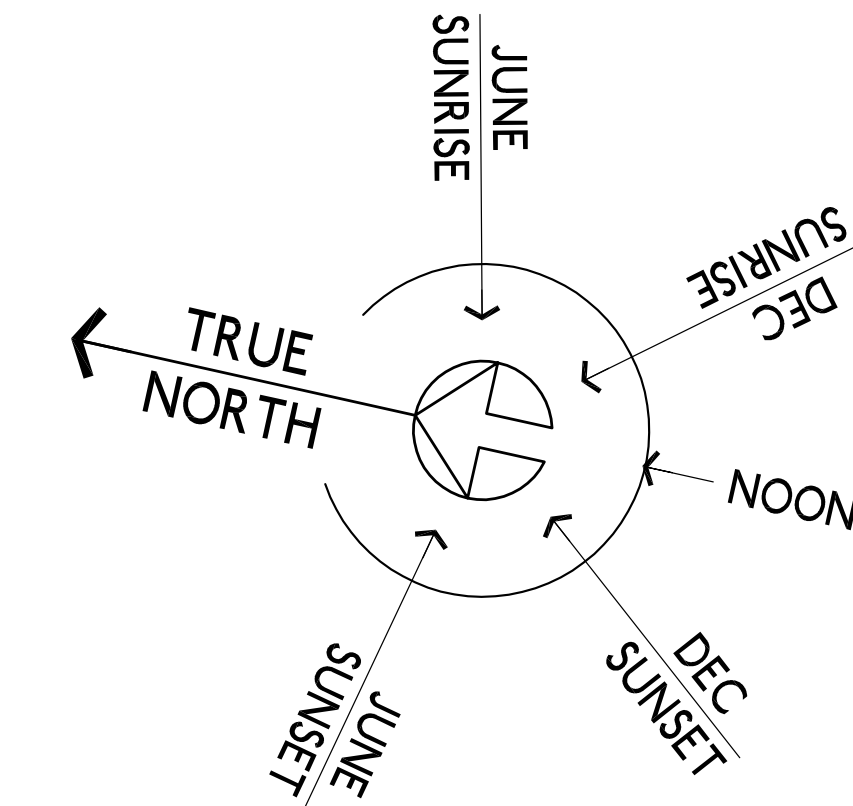
DECEMBER 21-9:21 AM



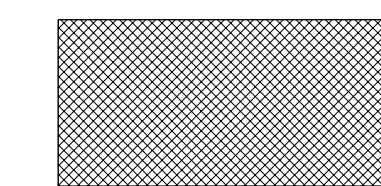
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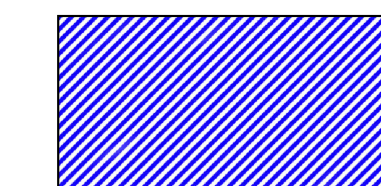
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LEGEND



NEIGHBORING BUILDINGS
 EXISTING SHADOW



NEW SHADOW

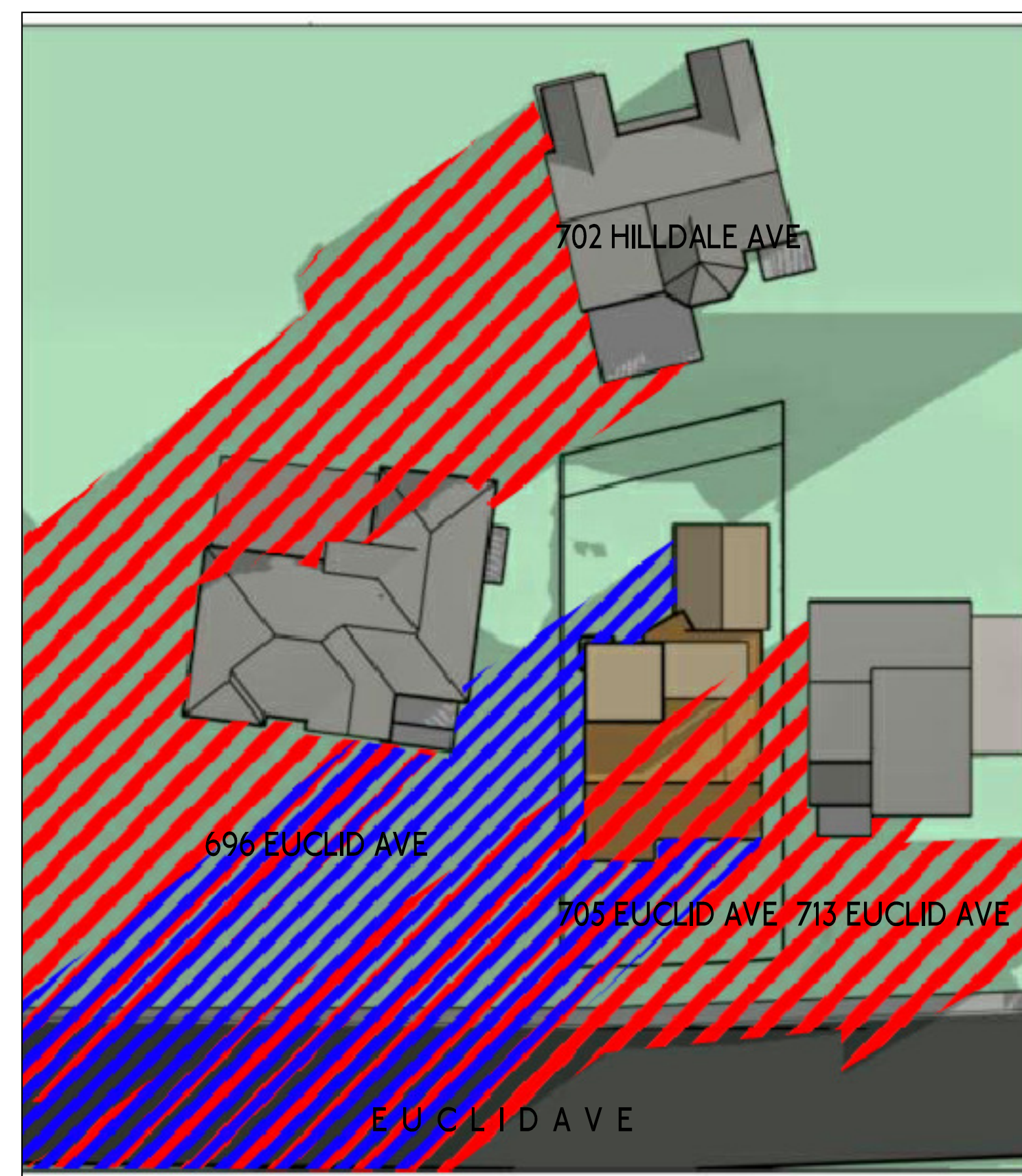
NOTE:
 SHADOW STUDY PLAN VIEWS ANALYZE
 WORST CASE SCENARIO AND DOES NOT
 INDICATE THE MASS OF NEIGHBORING
 BUILDINGS AND (E) TREES. THIS STUDY
 ONLY GIVES MASS TO 705 EUCLID AVE.
 ALL HABITABLE BUILDINGS AFFECTED BY
 THE NEW SHADOWS CAST ARE SHOWN
 IN ELEVATION.

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Claudia J. Chen **April 27, 2023**

SIGNATURE DATE

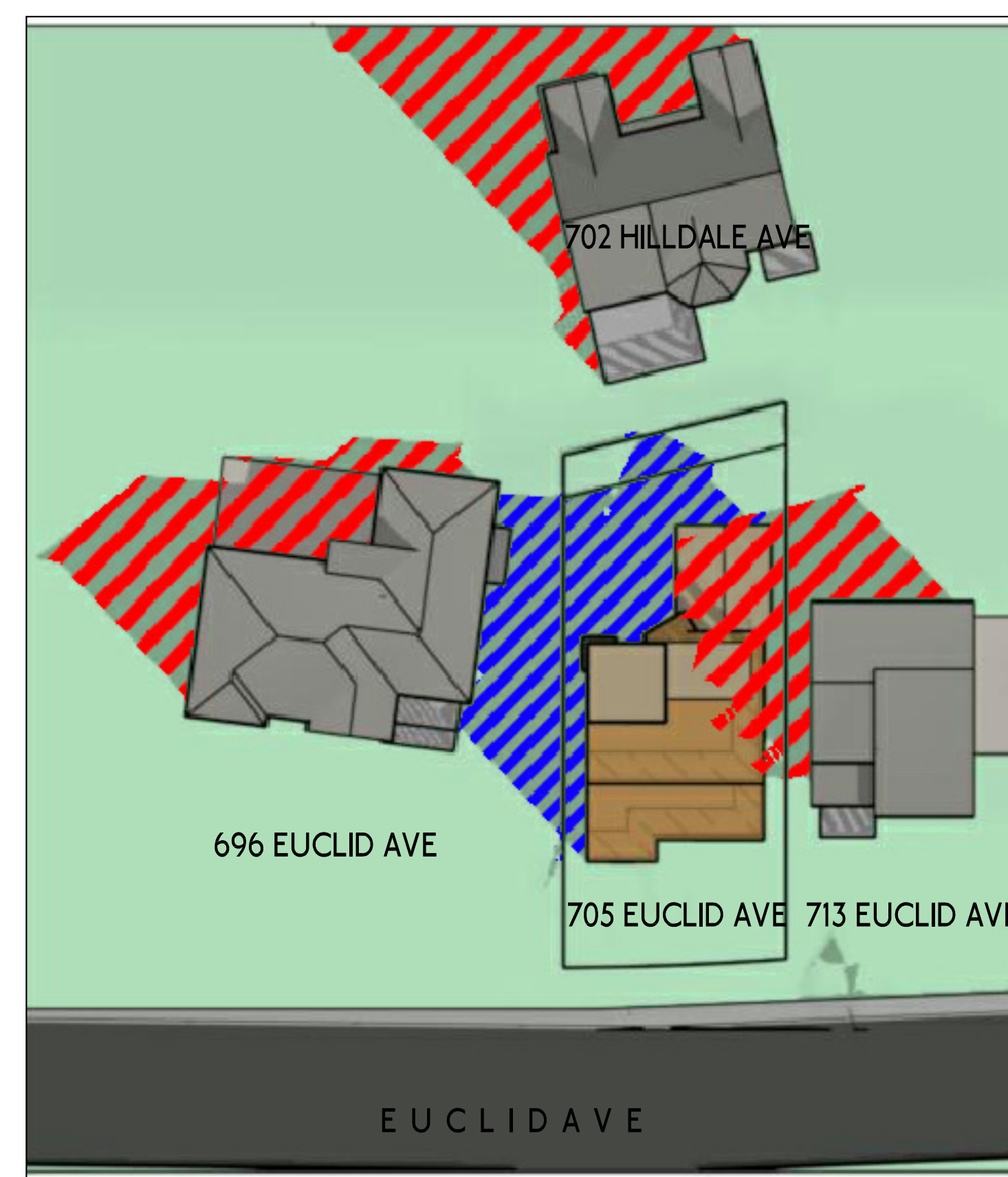
* Findings and Conditions Attached



1 AS1 DECEMBER 21-9:21 AM



2 AS1 DECEMBER 21-NOON



3 AS1 DECEMBER 21-2:53 PM



NEW RESIDENCE

705 Euclid Avenue, Berkeley, CA 94708
APN#63-2955-40-1

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Claudia J. Chen
SIGNATURE

April 27, 2023
DATE

* Findings and Conditions Attached

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(510)-387-7100

CONCEPTUAL
GRADING PLAN

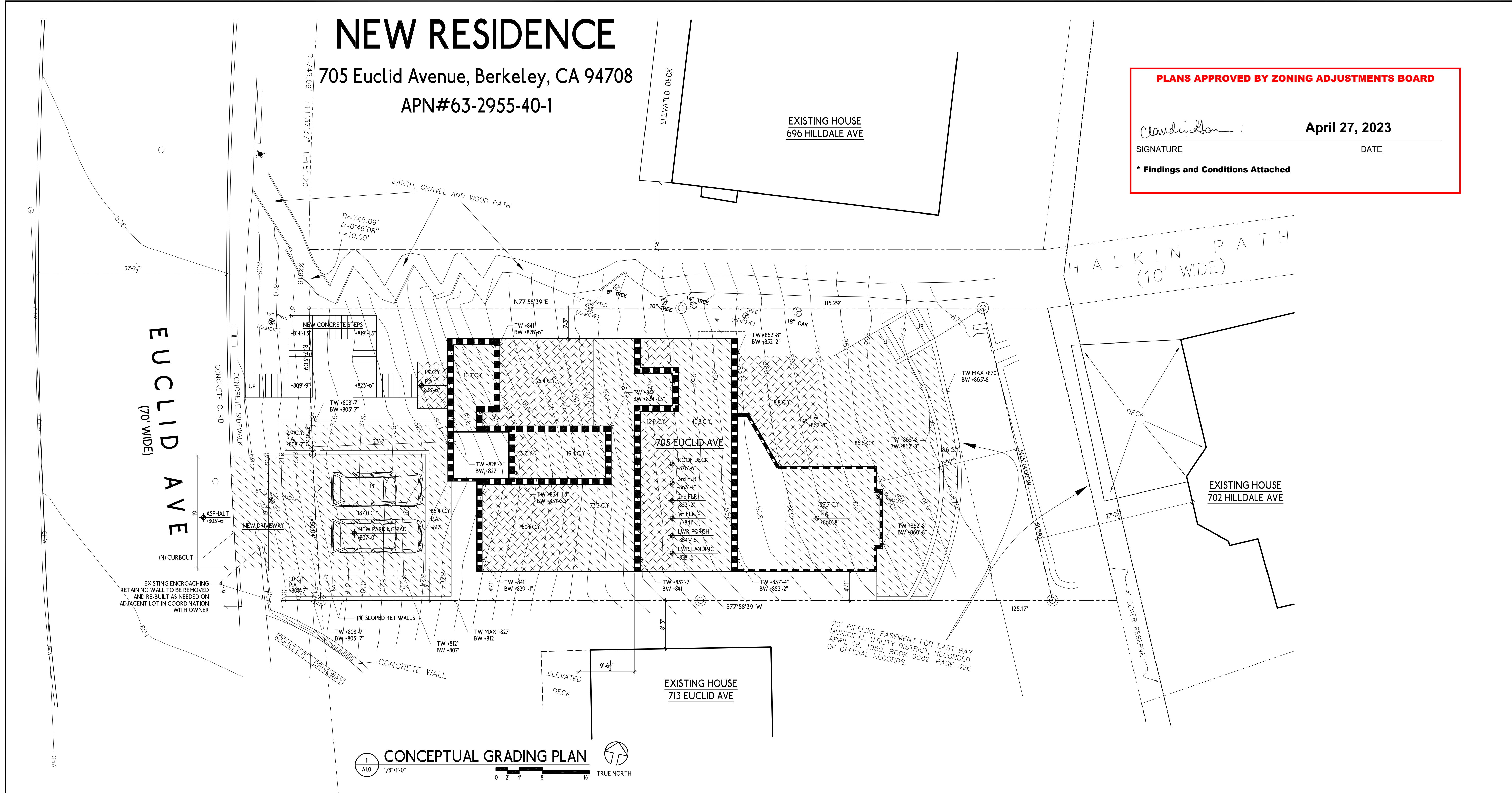
REVISION

No.	Description	Date
1	DESIGN REV	9/21/22

PROJECT No.:	
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CHECKED BY:	JMN
DATE:	3/21/22

PROJECT No.:	
DRAWN BY:	ML
CHECKED BY:	JMN
DATE:	3/21/22

C1



20' PIPELINE EASEMENT FOR EAST BAY MUNICIPAL UTILITY DISTRICT, RECORDED APRIL 18, 1950, BOOK 6082, PAGE 426 OF OFFICIAL RECORDS.

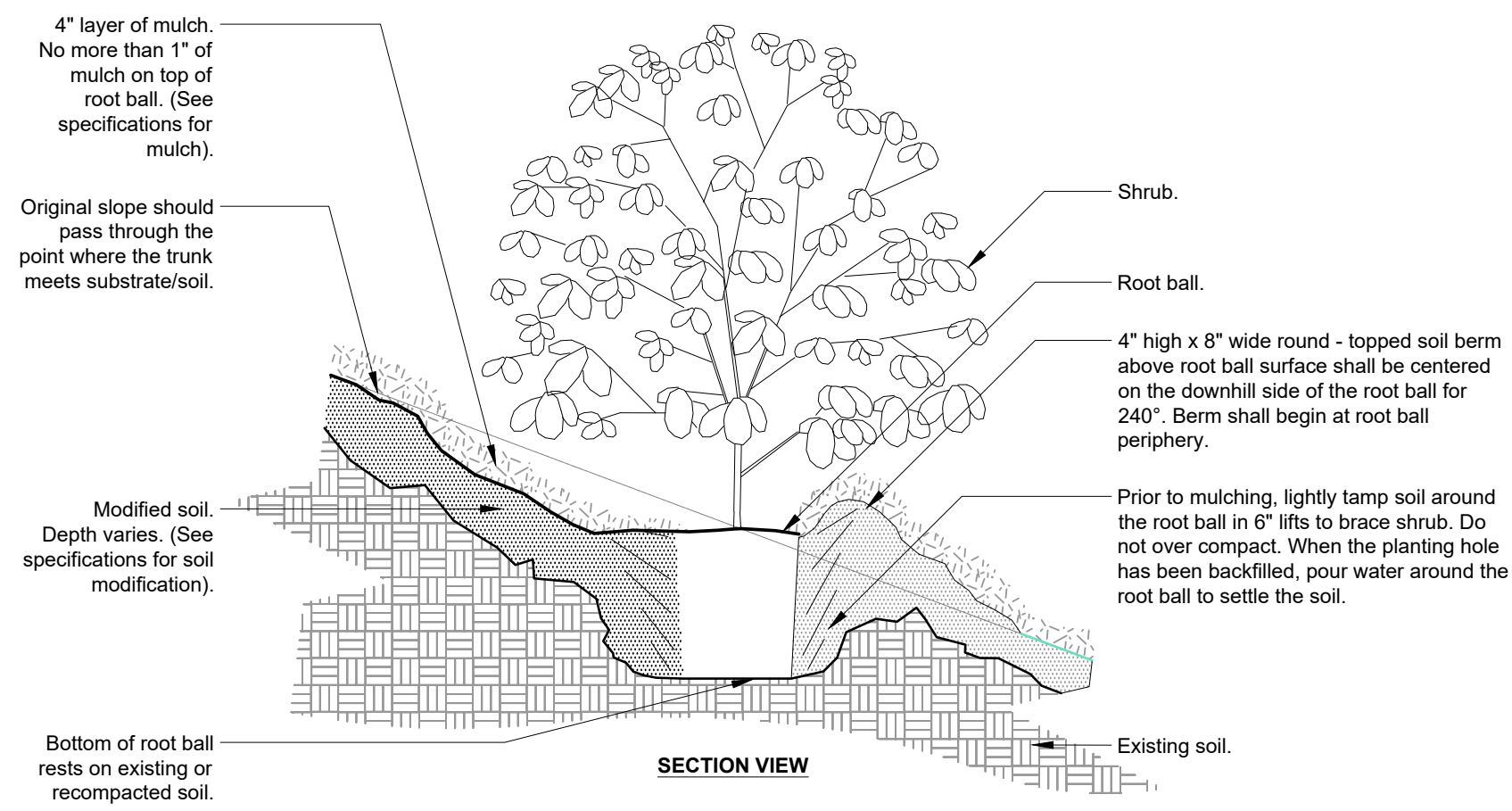
EXISTING ENCROACHING RETAINING WALL TO BE REMOVED AND RE-BUILT AS NEEDED ON ADJACENT LOT IN COORDINATION WITH OWNER

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Claudia J. ... **April 27, 2023**

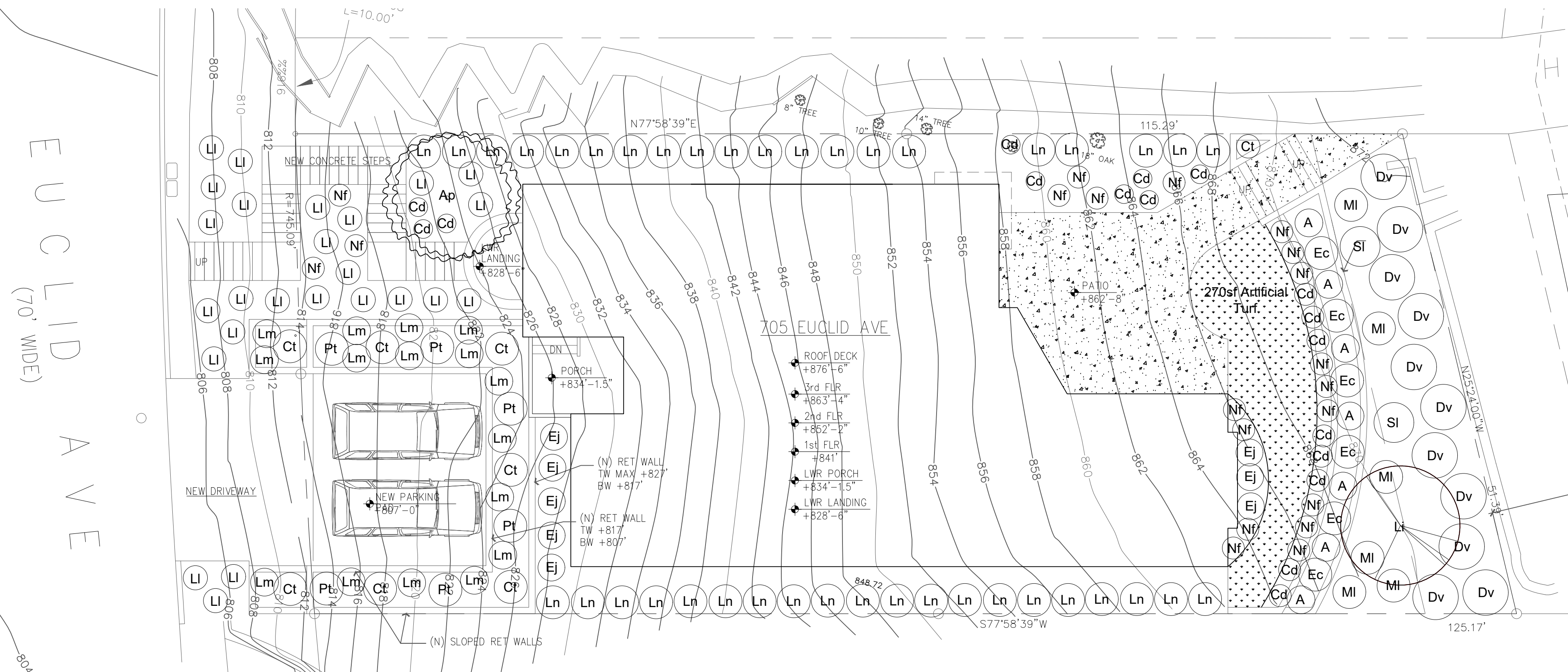
SIGNATURE DATE

*** Findings and Conditions Attached**



SHRUB ON SLOPE 5% (20:1) TO 50% (2:1) - MODIFIED SOIL

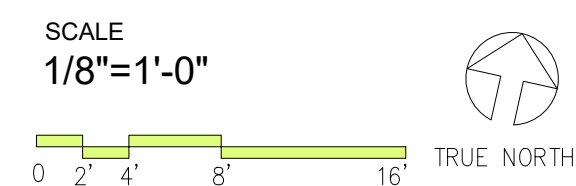
3/4" = 1'-0"



EUCLID AVE
(70' WIDE)

PLANTING LEGEND

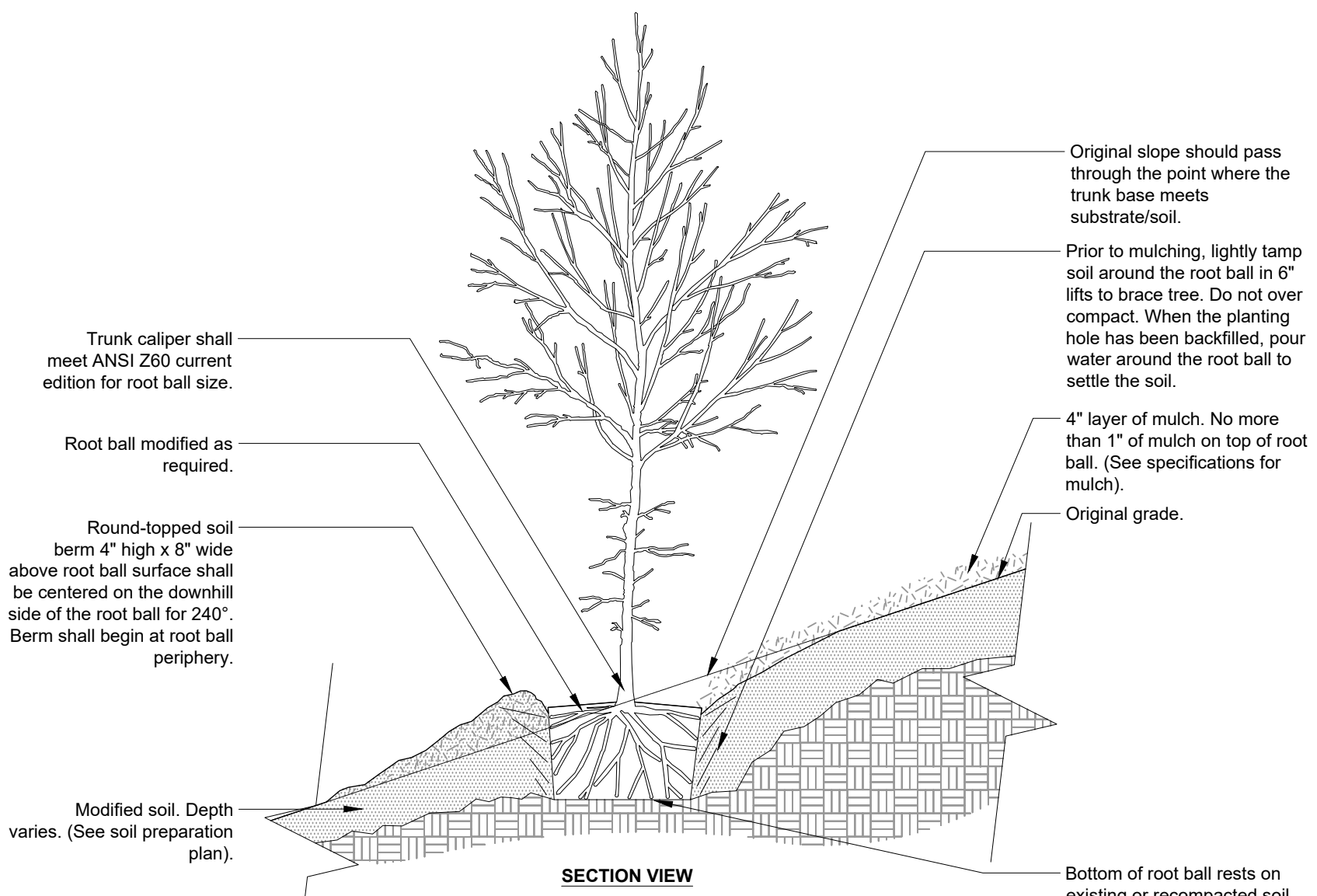
SYMBOLS	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	WELO
A	Anigozanthus flavidus 'Bush Ranger'	Kangaroo Paw	1 gal	7	L
Cd	Carex divulsa	European gray sedge	1 gal	17	L
Ct	Chondropetalum tectorum	Dwarf Cape Rush	5 gal	5	L
Dv	Dodonea viscosa 'Purpurea'	Purple Hopseed Bush	15 gal	11	L
Ec	Euphorbia characias	Mediterranean spurge	1 gal	6	L
Ej	Euonymus japonicus	Evergreen Euonymus	5 gal	8	L
Ln	Laurus nobilis	Bay laurel	15 gal	39	L
Li	Lomandra longifolia 'breeze'	Dwarf Mat Rush	1 gal	21	L
Lm	Lantana montevidensis 'Trailing White'	White Trailing Lantana	1 gal	14	L
Mi	Muhlenbergia lindheimeri	Lindheimer's Muhly	1 gal	6	L
Nf	Nepeta faassennii 'Walker's Low'	Catmint	1 gal	20	L
Pt	Phormium tenax 'Maori Queen'	New Zealand Flax	5 gal	6	L
Sl	Salvia leucantha	Mexican Bush Sage	5 gal	2	L
TREES					
Ap	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	15 gal	1	M
Li	Lagerstroemia indica 'Natchez' (Std)	Natchez Crape Myrtle	15 gal	1	L



Soil and Planting Notes:

- A minimum of 8" of non-mechanically compacted soil shall be available for water absorption and root growth in planting areas.
- Incorporate compost or natural fertilizer into the soil to a minimum depth of 8" at a minimum rate of 6 cubic yards per 1000 square feet or per specific amendment recommendations from a soils laboratory report.
- A minimum 3" layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications.

"I have complied with the criteria of the ordinance and applied them for the efficient use of water in the planting design"



TREE ON SLOPE 5% (20:1) TO 50% (2:1) (EXISTING SOIL MODIFIED)

1/2" = 1'-0"

David Fowler Designs

2475 BRUSH CREEK ROAD
SANTA ROSA, CA 95404
707.331.5199
RLAF 6126
www.davidfowledesigns.com
davidfowledesigns@gmail.com

landscape architecture | arboriculture | sculpture



APN: 63-2955-40-1
705 EUCLID AVE
BERKELEY, CA 94708

PLANTING PLAN

REVISIONS:
DATE BY DESCRIPTION

SCALE
1/8" = 1'-0"

DATE
06/23/22

L1

Maximum Applied Water Allowance Calculations for New and Rehabilitated Residential Landscapes		
Enter value in Pale Blue Cells		
Tan Cells Show Results		
Messages and Warnings		
Click on the blue cell on right to Pick City Name	Oakland	Name of City
ET _o of City from Appendix A	41.80	ET _o (inches/year)
	0	Overhead Landscape Area (ft ²)
	1955	Drip Landscape Area (ft ²)
	0	SLA (ft ²)
Results:	1,955.00	Total Landscape Area
(ET _o) x (0.62) x [(0.55 x LA) + (1.0 - 0.55) X SLA]	-	Gallons
	-	Cubic Feet
	-	HCF
	-	Acre-feet
	-	Millions of Gallons
MAWA calculation incorporating Effective Precipitation (Optional)		
ET _o of City from Appendix A	41.80	ET _o (inches/year)
Total Landscape Area	1,955.00	LA (ft ²)
Special Landscape Area	0.00	SLA (ft ²)
	24	Total annual precipitation (inches/year)
Enter Effective Precipitation	6.00	Eppt (in/yr)(25% of total annual precipitation)
Results:	23,870.55	Gallons
MAWA = [(ET _o - Eppt) x (0.62)] x [(0.55 x LA) + ((1.0 - 0.55) x SLA)]	3,191.04	Cubic Feet
	31.91	HCF
	0.07	Acre-feet
	0.02	Millions of Gallons

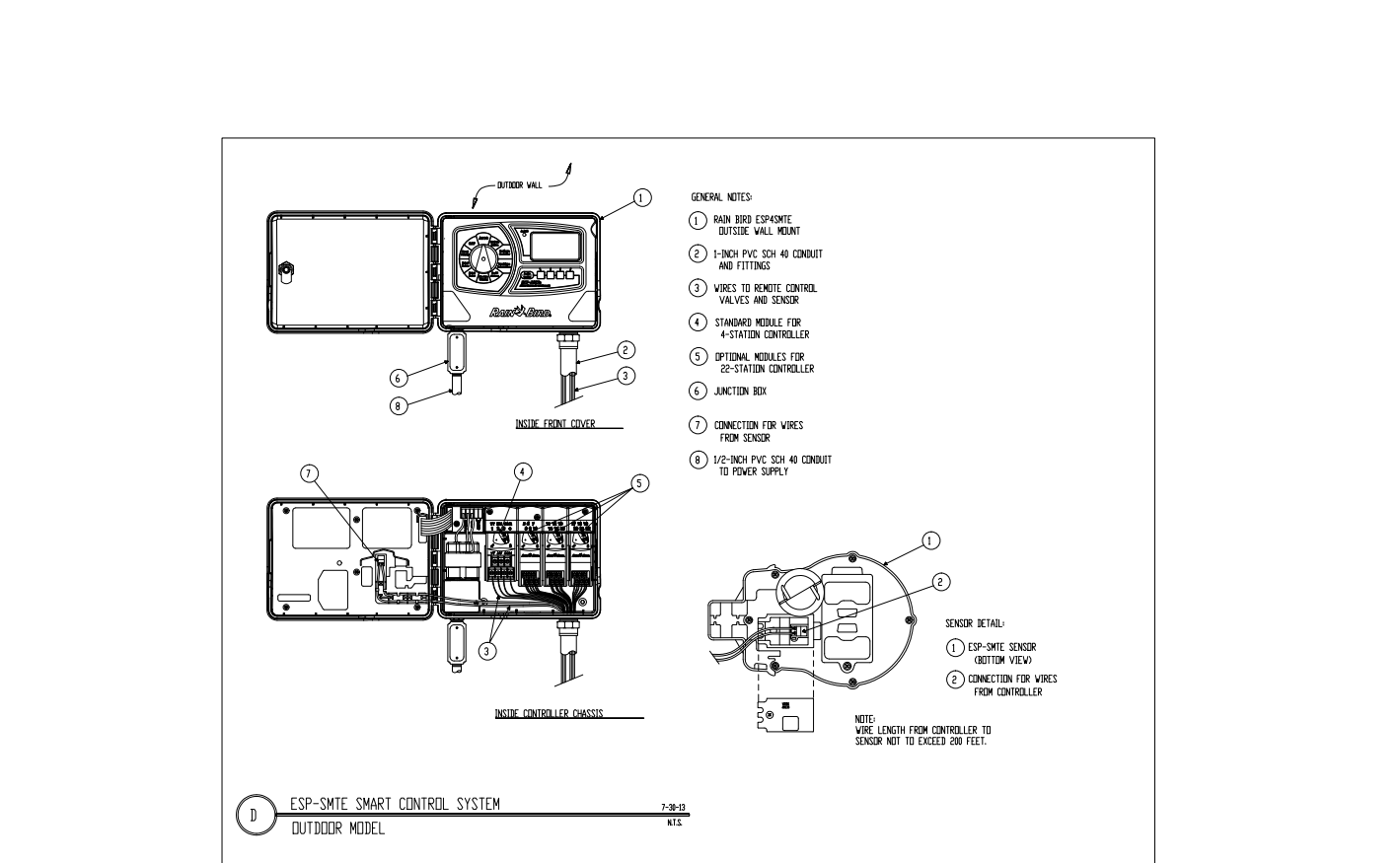
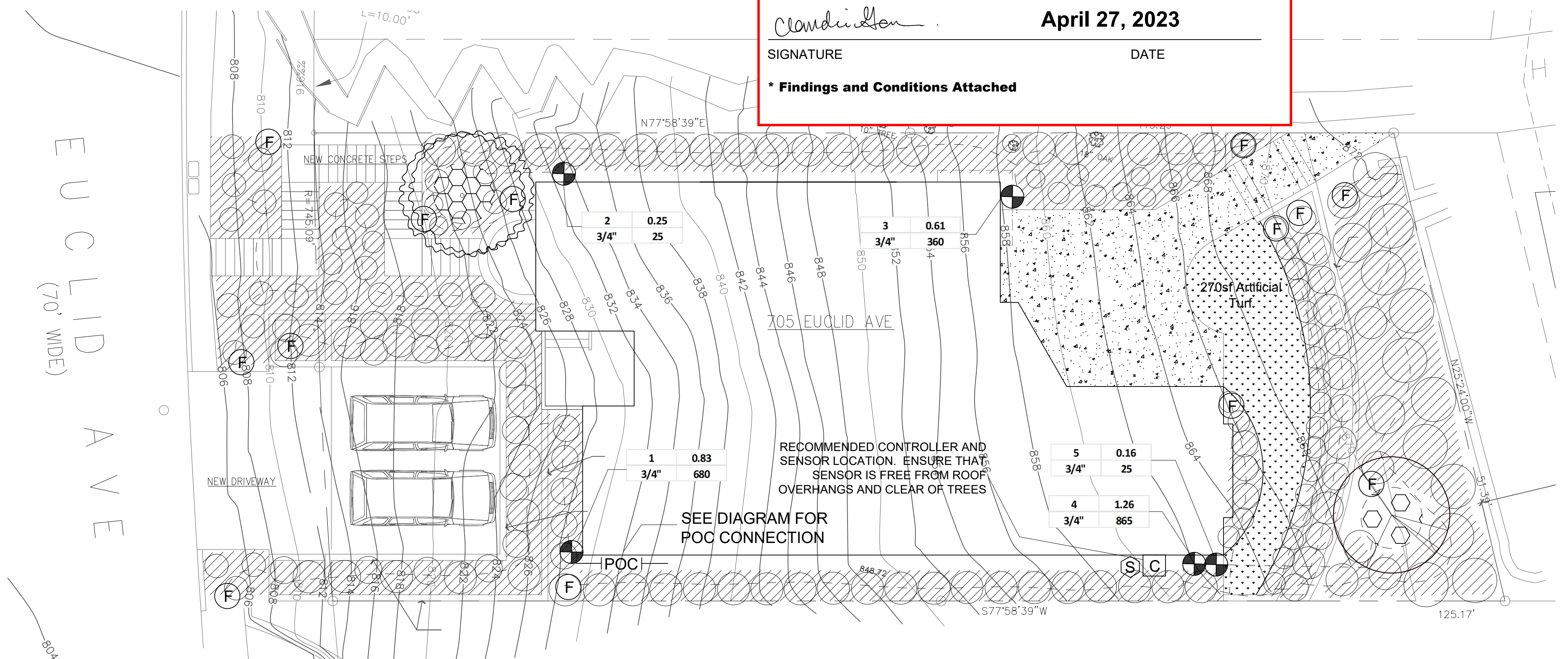
Estimated Total Water Use		
Equation: ETWU = ET _o x 0.62 x [(PF x HA)/IE] + SLA; Considering precipitation ETWA = (ET _o - Eppt) x 0.62 x [(PF x HA)/IE] + SLA		
Enter values in Pale Blue Cells		
Tan Cells Show Results		
Messages and Warnings		

Irrigation Efficiency Default Value for overhead 0.75 and drip 0.81.	
Plant Water Use Type	Plant Factor
Very Low	0 - 0.1
Low	0.2 - 0.3
Medium	0.4 - 0.6
High	0.7 - 1.0
SLA	1

Hydrozone	Select System From the Dropdown List click on cell below	Plant Water Use Type (s) (low, medium, high)	Plant Factor (PF)	Hydrozone Area (HA) (ft ²) Without SLA	Irrigation Efficiency (IE)	(PF x HA (ft ²))/IE
Zone 1	Drip	Low	0.20	680	0.81	168
Zone 2	Drip	Medium	0.50	25	0.81	15
Zone 3	Drip	Low	0.20	360	0.81	89
Zone 4	Drip	Low	0.20	865	0.81	214
Zone 5	Drip	Low	0.20	25	0.81	6
						492
		SLA		0		0
		Sum		1,955		

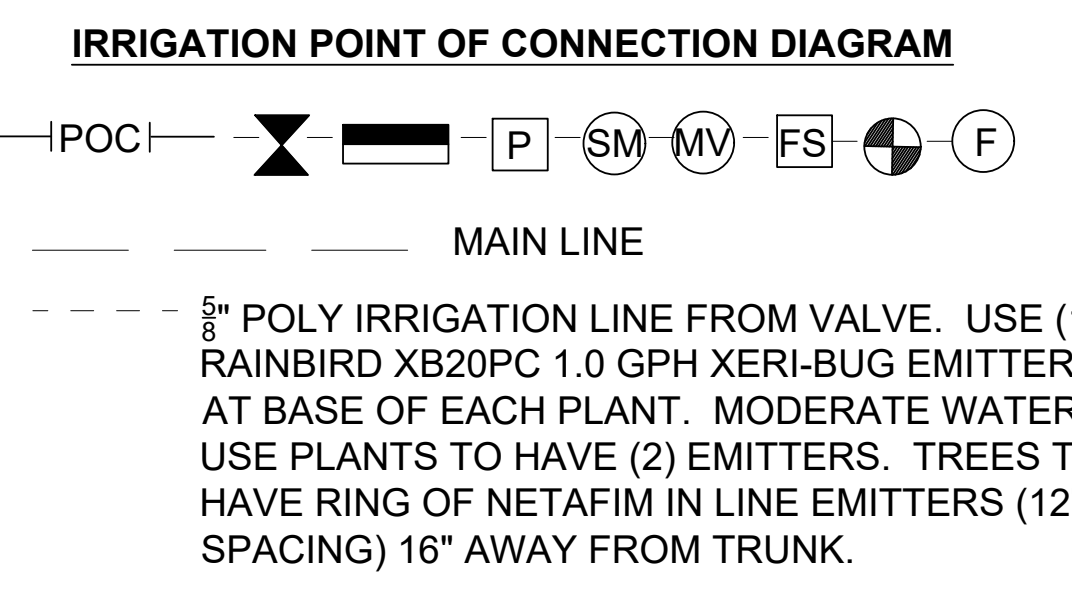
Results		
MAWA =	23,871	ETWU= 10,922 Gallons
		1,460 Cubic Feet
		15 HCF
		0 Acre-feet
		0 Millions of Gallons

ZONE #	FLOW RATE (GPM)	PLANT DESCRIPTION	HYDROZONE TYPE	IRRIGATION METHOD	AREA (SQ FT)
1	0.83	SHRUBS/GROUNDCOVER	LOW	POINT SOURCE DRIP	680
2	0.25	TREES	MOD	DRIP RING	25
3	0.61	SHRUBS/GROUNDCOVER	LOW	POINT SOURCE DRIP	360
4	1.26	SHRUBS/GROUNDCOVER	LOW	POINT SOURCE DRIP	865
5	0.16	TREES	LOW	DRIP RING	25
		TOTAL SF			1955



Irrigation Legend

- C** RAINBIRD SMART IRRIGATION CONTROLLER- SEE SPECS ON THIS SHEET
- P** PRESSURE REGULATOR
- S** RECOMMENDED RAIN SENSOR LOCATION
- V** NEW VALVE LOCATION. ALL IRRIGATION VALVES FOR DRIP AND INLINE EMITTERS TO HAVE 30 PSI PRESSURE REDUCER
- F** FLUSH VALVE LOCATION
- POC** POINT OF CONNECTION
- SM** PRIVATE IRRIGATION SUBMETER (ONLY AS REQUIRED FOR LANDSCAPES OVER 5000 SF)
- MV** MASTER VALVE
- FS** PRESSURE REGULATOR: WATTS LFN45B PRESSURE REDUCING VALVE MODEL #LFN45BM1-U 3/4" OR EQUIVALENT
- B** BACKFLOW PREVENTION DEVICE AND MANUAL SHUTOFF LOCATION: WATTS 800M4 BRONZE FNPT PRESSURE VACUUM BREAKER. Model #800M4-QT OR EQUIVALENT



Irrigation Notes

- USE BELOW GROUND VALVES AND LOCATE IN AREAS HIDDEN FROM VIEW IF POSSIBLE.
- USE RAINBIRD SMART CONTROLLER WITH RAINSENSOR AND SEASONAL ADJUSTMENT
- ALL PLANTINGS TO USE DRIP IRRIGATION UNLESS OTHERWISE NOTED
- LAWN TO USE SUBSURFACE DRIP IRRIGATION SUCH AS NETAFIM TECHLINE
- BERM AROUND ALL TREES. PLACE MULTIPLE EMITTERS AT LEAST 6-12" AWAY FROM TRUNK OF TREE. TREES TO BE ON SEPARATE VALVE FROM LANDSCAPE PLANTS
- SEE PLANTING PLAN FOR EXACT NUMBER OF EMITTERS NECESSARY
- NO SPRINKLERS OR OVERHEAD SPRAY DEVICES ARE TO BE USED ON THIS PROJECT

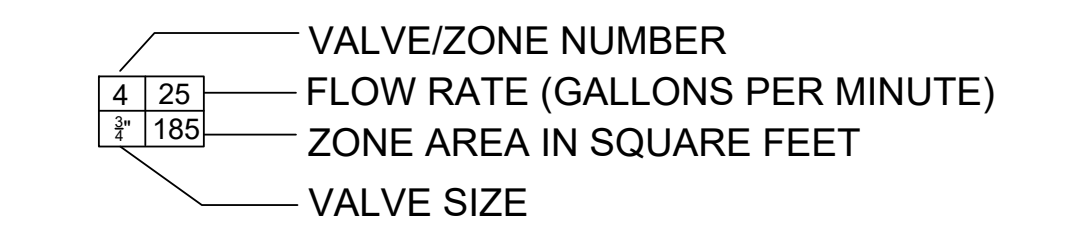
Hydrozone Legend

- LOW WATER USE - HYDROZONE SHRUBS & GRASSES
- LOW WATER USE - HYDROZONE TREES
- MOD WATER USE - HYDROZONE TREES

Project Notes:

- Total landscaped area: 1955 sf
- 100% of landscaped area on drip irrigation (no spray heads)
- Low and moderate water use plants on separate valves
- Trees on separate valves
- Dedicated irrigation meter not required because landscaped area is less than 5000 sf
- Certificate of completion: applicant shall submit a landscape audit report verifying installation and irrigation efficiency per design on a form provided by the East Bay Municipal Utility District

"I have complied with the criteria of the ordinance and applied them for the efficient use of water in the irrigation design"



David Fowler Designs

2475 BRUSH CREEK ROAD
SANTA ROSA, CA 95404
707.331.5199
RLA# 61126
www.davidfowledesigns.com
dfowledesigns@gmail.com

landscape architecture | arboriculture | sculpture



APN: 63-2955-40-1
705 EUCLID AVE
BERKELEY, CA 94708

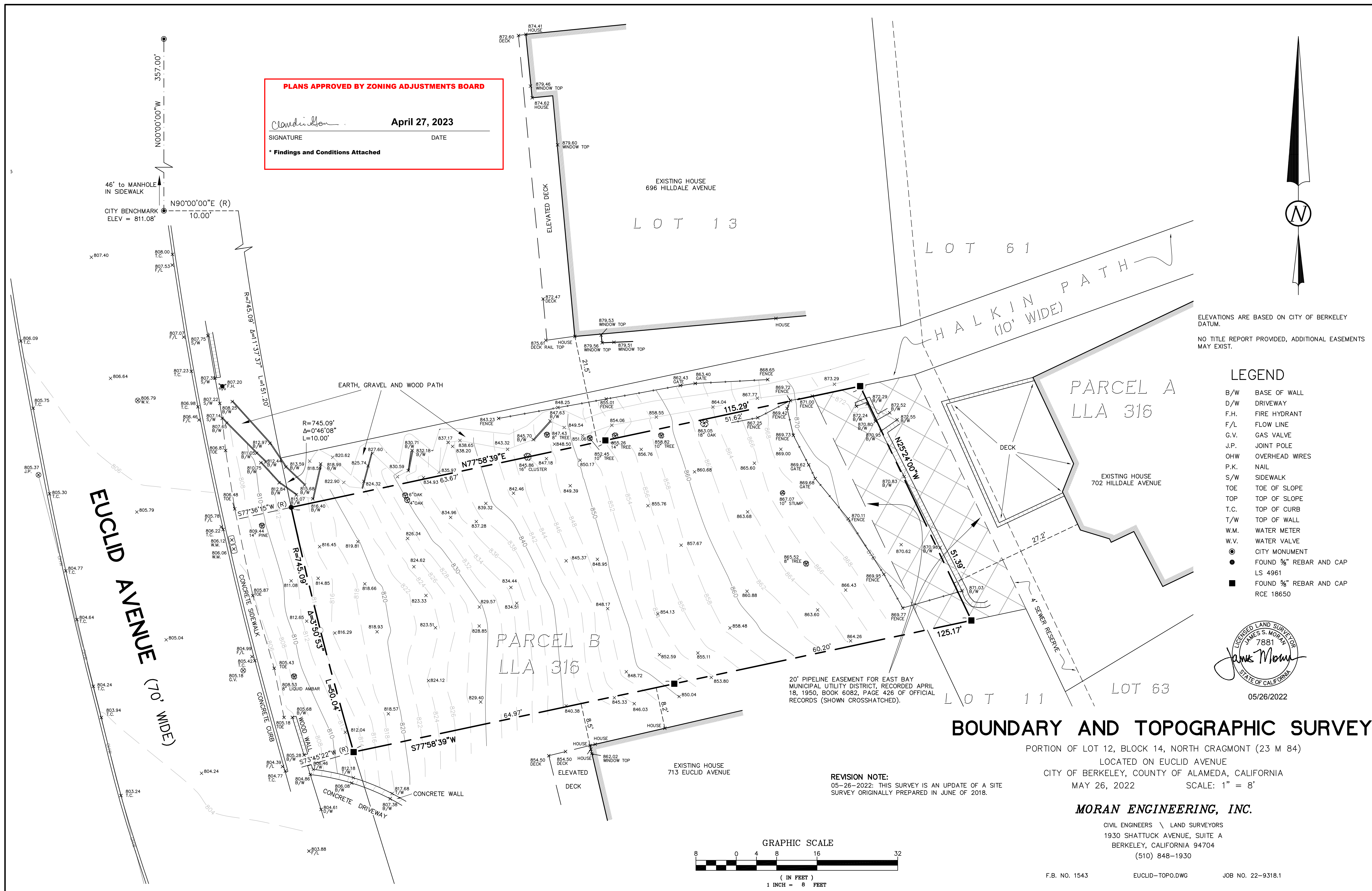
IRRIGATION PLAN

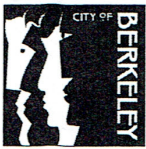
REVISIONS:	
DATE	DESCRIPTION

SCALE
1/8"=1'-0"

DATE
06/23/22

L2





City of Berkeley City Clerk Department
Land Use Notice of Decision Appeal
Receipt for Filing - ZAB and LPC

CITY OF BERKELEY - CITY CLERK
2023 MAY 23 PM 1:02

PROJECT INFORMATION

Property Address: 705 Euclid Ave. Appeal Expiration Date: 5/23/23

Decision Being Appealed

- Zoning Adjustments Board - BMC 23.410.030
Landmarks Preservation Commission - BMC 3.24
LPC Appeal Appellant (must choose one):
Property owner or their authorized agent
Not the property owner or their authorized agent AND submitting signatures of at least fifty residents of the City (signatures required per BMC 3.24.300.A.1)

Type of Appellant Fee

- Applicant (\$5,520)
Non-Applciant; No Signatures (\$1,500)
Non-Applciant; Signatures of 25 persons residing within 300 feet of project site (\$500)
Non-Applciant; Signatures of at least 50% of the persons that lease or own parcels or dwelling units within 300 feet of project site (\$500)

PAYMENT INFORMATION

Number of signatures submitted for reduced fee: (check one: [] 50% threshold [] 25 persons threshold)

- Check Amount: \$1,500 Check Number: 8520
Cash Amount:
Debit/Credit Amount:

APPELLANT CONTACT INFORMATION

Name: Heather Sanders (on behalf of Yoshiko Wada)
Address: 1909 Franklin St #310 Oakland 94612
Phone: 510.910.4097
E-mail: heather@shelterwerk.com

By signing below, I understand that acceptance of this appeal does not constitute a confirmation of its validity. The sufficiency of the appeal and any signatures submitted are subject to verification and challenge. Additional signatures or fees may NOT be submitted after the expiration of the appeal period. If an insufficient number of signatures has been submitted the appeal will be rejected. Any written materials relating to the appeal submitted after the appeal expiration date will be distributed as supplemental communications, but will not be appended to the original appeal. The public hearing will be scheduled approximately, but no earlier than, 90 days from the date this appeal is received by the City Clerk Department. Whenever possible, staff encourages applicants and neighbors to work together to resolve outstanding concerns. SEEDS Community Resolution Center provides free mediation for Berkeley land use conflicts, and in many cases can help achieve compromise.

Printed Name of Person Filing Appeal: Heather Sanders - Jacobs

Signature of Person Filing Appeal: [Signature] Date: 5/23/23

For Office Use Only:
PLANNER ASSIGNED TO APPEAL
Name:
APPEAL ACCEPTED BY:
City Clerk Staff Initials

90-203/1211 8520

Yoshiko I Wada
696 HILLDALE AVE
BERKELEY, CALIFORNIA 94708
(510) 527-3432

EZShield™ Check Fraud Protection for Business

DATE 05-23-2003

PAY TO THE ORDER OF City of Berkeley \$ 1500.00

One Thousand Five Hundred & no/100 DOLLARS

Mechanics Bank
Commitment That Lasts Generations
Ph. 800-797-6324

MEMO _____

[Signature]

452689

City of Berkeley
*** CUSTOMER RECEIPT ***
Oper: TRENADO Type: DC Drawer: 1
Date: 5/23/03 Receipt no: 440647

Description	Quantity	Amount
CITY CLERK: APPEALS	1.00	\$1500.00

Trans number: 6621477
B/L account number: 01000013419999
01000001010000
APPEAL - 705 EUCLID AVE

YOSHIKO WADA, FILED APPEAL
FOR 705 EUCLIDE AVE ON BEHALF
HEATHER SANDERS. DRAWN ON
CHECK 8520 FROM YOSHIKO WADA

Tender detail	
CK CHECK, REGUL	8520
Total tendered	\$1500.00
Total payment	\$1500.00

Trans date: 5/23/03 Time: 13:10:54

*** THANK YOU FOR YOUR PAYMENT ***

HARPER & ARMSTRONG, LLP

1634 Telegraph Avenue, #3 • Oakland, CA 94612
Ph: (510) 420-8455 • Fax: (510) 858-5953 • shona.armstrong@harperarmstrong.com

Via Hand Delivery

May 23, 2023

City Council
c/o City Clerk
2180 Milvia Street, 1st floor
Berkeley, CA 94704
(510) 981-6900
clerk@cityofberkeley.info

CITY OF BERKELEY - CITY CLERK
2023 MAY 23 PM 1:02

**Re: Appeal from approval of AUP for 705 Euclid Avenue
(ZP2022-0104)
Notice of Decision dated April 27, 2023, and mailed May 9, 2023**

Dear Members of City Council:

On behalf of Yoshiko Wada, I write to appeal the decision of the Zoning Adjustment Board (**ZAB**) to approve an Administrative Use Permit ("**AUP**") allowing construction of a proposed 5-story single-family residence at 705 Euclid Avenue (ZP2022-0104) that does not comply with the development standards for the R-1 (Hillside Overlay) zone. (See Berkeley Municipal Code ("**BMC**") sections 23.406.030 and 23.210.020.)

There is no rationale for relaxing development standards for this project. The proposed project contains no affordable housing units. The proposed project is not a multi-family housing unit. The proposed project offers no neighborhood amenities or services. The proposed project is simply an excessively large, luxurious, single-family home. The development standards for the R-1H zone were established as a baseline framework designed to allow reasonable development without unreasonably burdening neighbors. Presumably the project proponents (current owners) understood these development standards when they purchased their property in 2020. They have provided no defensible reason to deviate from longstanding development standards to the detriment of their neighbors.

The owners of 705 Euclid sought and received from ZAB an AUP that allows them to construct a new single-family home that is 41-feet, 11-inches in height - i.e. 120% of the maximum allowable height under the BMC. The project proponents neither sought nor received any permission to exceed the maximum number of stories (3) allowed for a single-family residence within the R-1H zone, despite the fact that, though the Staff Report describes the proposed home as three stories in height (see Staff Report for Agenda Item 6 of ZAB meeting

2023-04-27, pp. 1, 8), analysis of the building plans reveals that the home is actually at least five stories tall. (See **Exhibit C**, Notice of Decision at p. 24, Floor Plans sheet A2.0.)

Ms. Wada has owned and lived in the neighboring property at 696 Hilldale Avenue for fifty years. Her views will be significantly diminished by the construction of an oversized home in excess of the height and number of stories allowed under BMC 23.210.020. Ms. Wada's appeal is supported by her neighbors Theodore Raphael and Molly Raphael, whose privacy is also detrimentally impacted by the proposed 5-story single-family home. See **Exhibit B**, Email from Theodore Raphael with photo. The ZAB's decision to approve the project as designed should be reversed because:

1. The ZAB erred by finding that the project would not be "detrimental" to neighboring properties or the City's general welfare. Berkeley Municipal Code section 23.406.030.
2. The approval does not serve the R-1 District purpose of "recogniz[ing] and protect[ing] the existing pattern of development in the low-density areas of the city consistent with the general plan." Berkeley Municipal Code section 23.202.050(A)(1).
3. The approval does not serve the R-1 District purpose of "protect[ing] adjacent properties from unreasonable obstruction of light and air." Berkeley Municipal Code section 23.202.050(A)(3).
4. The approval does not serve the Hillside Overlay purposes of "Protect[ing] the character of Berkeley's hillside areas and their immediate environs," "Protect[ing] the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire," and "Giv[ing] reasonable protection to views yet allow[ing] appropriate development of all property." BMC §§23.210.020(A)(2)-(4).
5. The approval did not consider the fact that the proposed project exceeds not only the maximum permissible height, but also the maximum permissible number of stories.
6. The approval seeks to confer an entirely private benefit (deviation from the zone's development standards) on one Berkeley resident that is out of proportion to the negative impact the project has on its neighbors and the neighborhood.
7. The approval unjustifiably favors the interests of the owners of an as-yet-nonexistent building over the established and long-standing interests of existing residents.
8. The process of approval was fatally flawed inasmuch as the ZAB ignored neighbor concerns, and, in fact, altogether denied one neighbor (Theodore Raphael) the opportunity to be heard even though he appeared at the hearing on April 27, 2023, and tried to speak.

Architecturally, Ms. Wada challenges the ZAB's approval on grounds that: (1) the proposed height is not compatible with those of the neighboring structures and story poles erected on the site revealed an unreasonable obstruction of significant views from neighboring properties (cf. Notice of Decision dated April 27, 2023 ("**NOD**"), attached hereto as **Exhibit C**, at 2(b)); (2) story poles erected on the site show that significant views from neighboring properties would be unreasonably affected (cf. NOD at 1(d)); and (3) privacy intrusions onto Ms. Wada's property and Mr. Raphael's property are significant (cf. NOD at 1(b)).

The City Council must reverse the ZAB's grant of an Administrative Use Permit allowing the owners of 705 Euclid to construct a five-story single family home in the R-1 Hillside Overlay

Zone. Instead, the City Council should require the proposed project to conform with the already generous standards laid out in the Berkeley Municipal Code Section 23.210.020, which limit the building to 35 feet in height and three stories. In considering and weighing the reasonableness of the project proponent's requests against the reasonableness of the neighbors' concerns, the City Council must find that the balance favors the neighbors who have, for years, complied with and relied upon existing development limitations.

I. Legal Standards

A. City Council's Appellate Review of ZAB approval is de novo.

The City Council reviews the ZAB approval de novo. Berkeley Municipal Code section 23.410.040(E). As such, this body owes the ZAB no deference and should consider the facts of the matter afresh.

B. Findings Required for Approval of an Administrative Use Permit.

Pursuant to Berkeley Municipal Code section 23.406.030(F)(1):

To approve an AUP [which allows exemption from basic development parameters], the Zoning Officer shall find that the proposed project or use:

- (a) **Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood, of the proposed use; and***
- (b) **Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.***

(Emphases added.)

Pursuant to Berkeley Municipal Code section 23.210.020(C)(2)(b), the Zoning Officer may approve an AUP to increase the allowed height of a structure only if it finds that the project is consistent with the purpose of the Hillside Overlay Zone as laid out in BMC 23.210.020(A).

C. Development Standards for R-1 Zone with Hillside Overlay.

1. Maximum Heights

Section 23.210.020(C)(2) of the Berkeley Municipal Code specifies that the maximum allowed height in the Hillside Overlay Zone shall be 35 feet and the maximum number of stories shall be three.

2. Purpose of R-1 and Hillside Overlay Zones

The Berkeley Municipal Code provides as follows:

23.202.050 R-1 Single-Family Residential Zone

A. District Purpose. The purpose of the Single-Family Residential (R-1) district is to:

- 1. Recognize and protect the existing pattern of development in the low-density, single-family residential areas of the city consistent with the General Plan;*
- 2. Make housing available for persons who desire detached housing and a relatively large amount of usable open space;*
- 3. Protect adjacent properties from unreasonable obstruction of light and air; and*
- 4. Permit community facilities such as religious assembly uses, schools, parks, and libraries which serve the local population and are not detrimental to the immediate neighborhood.*

23.210.020 Hillside Overlay Zone

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

- 1. Implement General Plan policies for hillside development;*
- 2. Protect the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire;*
- 3. Protect the character of Berkeley's hillside areas and their immediate environs;*
- 4. Give reasonable protection to views yet allow appropriate development of all property;*
- 5. Allow modifications in standard setback and height requirements when justified because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the hillside areas.*

II. Analysis

In order to approve the AUP, the ZAB had to find, “based on the circumstances existing at the time a decision is made on the application” (BMC 23.406.040(E)(4)), that the project caused no detriment to neighbors or their properties and that the project was consistent with the purposes of both the R-1 and the Hillside Overlay Zone. See BMC 23.406.030(F)(1) and 23.210.020(C)(2)(b). The ZAB decision did not and could not meet these standards and must therefore be rescinded.

- a. **The ZAB decision was based on a misinterpretation of the facts about the nature of the project and the circumstances existing at the time of the decision: the proposed project has five stories, not three stories.**

The ZAB misinterpreted the project plans as containing three stories. The Berkeley Municipal Code defines stories at section 23.106.060 as “the portion of a building included between the upper surface of any floor and the upper surface of the floor next above. See BMC Figure 23.106-2.” Contrary to the labels applied by the project proponents and planning staff (See Staff Report for Agenda Item 6 at pages 1 and 8), the proposed residence has at least five stories, as shown in the floor plans depicted at page 24 of the pdf package distributed as the

Notice of Determination, aka Floor Plans created by CM Engineers, dated December 28, 2022, Sheet "A.2.0," and subsequent Plan sheets A.3.0 through A5.0. A 5-story structure is not permitted (even with an AUP) within the R-1H zone.

The ZAB decision is invalid, because it was not "based on the circumstances existing at the time a decision is made on the application." BMC 23.406.040(E)(4). Instead, ZAB's decision was erroneously based on the misleading description of this 5-story single-family luxury home as a 3-story house. As such, the ZAB could not and did not assess the project accurately and the ZAB and planning staff must reconsider the approval.

As will be shown below, even if the project were truly a 3-story building, given the facts about how the project impacts its neighbors, there is no valid basis for making the required AUP findings. As such, the City Council must rescind the approval of the AUP, and the project must be modified to comply with the design standards laid out in the BMC.

b. The proposed height of the new single-family residence is unnecessarily incompatible with neighboring structures, exceeds the permissible number of stories, and creates a looming behemoth over Euclid Avenue.

The owners of 705 Euclid requested permission to construct a home that is 120% of the maximum height allowable under the BMC. While the impact of this egregious disproportionality is somewhat masked by the site's location in a dip/depression in the landscape (*see* NOD p. 27, Plan sheet A5.0 Existing and Proposed Streetscape), the proposed project nevertheless is significantly taller than the other homes in the neighborhood. In addition to its excessive overall absolute height, the proposed project also has a higher roofline relative to the neighboring properties.

A careful analysis of the plans reveals that the project's incorporation of unusually high ceiling heights is the cause of the house exceeding the maximum allowable height. Specifically, the floor-to-floor measurements read as 11'-2", indicating that the ceiling heights on the first and second floors likely are 10' or more. The floor-to-floor measurements on the third floor is 13'-2", indicating that the ceiling heights on the third floor likely is 12' or more.

The proposed project also exceeds the average height specified for this zone by 42%. The BMC states that the average allowed height for a project in an R-1 district is 28 feet, while the average height of 705 Euclid is more than 40 feet. This puts portions of the top roof deck and the penthouse well above the maximum height limit. Neither of these two architectural elements is necessary for the livability or constructability of the home. Looking at the front façade/west façade in elevation shows 48' from the lowest walking surface to the tallest walking surface. This is a height of 48' and adding another 10'+ onto that for the roof makes the actual height of this façade nearly 60' when viewed from Euclid. There are no other existing houses like this on the streetscape.

Moreover, the proposed project has a flat roof with no relief provided by receding angles, whereas the neighboring properties all feature sloped/gabled geometries on their roofs. Even the podium/retaining wall at the base of the house on the front-west elevation is imposing, measuring over 15' in height from the street level.

In addition to enforcing the 35-foot limitation on project height, the ZAB should also require the project to comply with the BMC's standards for the allowable number of stories. Although the project claims to have only three stories, it does not count the entry level story, the laundry room, or the top roof deck. In reality, this is at least a five-story building. While Table 23.202-2 provides that a project may apply for an AUP to exceed the maximum height, there is no such exception to the story limitation apparent in Table 23.202-2.

Furthermore, the topmost story (labeled "roof" or "roof deck" on Plan sheets A2.0-A4.0) is exclusively dedicated to a 1,000 square foot roof deck and access to it via an elevator and stair. There is already a roof deck on the third floor that measures 579 square feet. Per the 2022 California Building Code, using an occupant load factor of 7 square feet per person (not unreasonable for a larger social gathering), one may calculate a potential occupancy of over 140 people on the upper roof deck and over 80 on the third-floor deck. These decks are sized well beyond what is needed for any family's private use.

Finally, the proposed building is sited much closer to Euclid Avenue than other homes on the street, creating a sense of "looming" and bulk inconsistent with other residences that are situated further back and provide for more plantings. The overall size of the structure is much larger than the two adjacent properties, and its length extends a good portion of the site.

For the foregoing reasons, the proposed height, design, and siting of the structure are not compatible with the neighboring structures and should be amended.

Berkeley Municipal Code

Table 23.202-2. R-1 DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area for New Lots, Minimum	5,000 sq. ft.	23.304.020 --Lot Requirements
Usable Open Space per Dwelling Unit, Minimum	400 sq. ft.	23.304.090 --Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Average		
New Buildings or Non-Residential Additions	28 ft. and 3 stories [1]	23.304.050 --Building Height
Residential Additions	14 ft. [2]	
Lot Line Setbacks, Minimum		
Front	20 ft.	23.304.030 --Setbacks
Rear	20 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	No minimum	

Lot Coverage, Maximum	40%	<u>23.304.120</u> --Lot Coverage
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Notes:

[1]Maximum 35 ft. with an AUP.

[2]Height greater than 14 ft. up to 28 ft. allowed with an AUP. Height greater than 28 ft up to 35 ft allowed with an additional AUP.

Table 23.210-1. H OVERLAY ZONE MAXIMUM ALLOWED HEIGHT

UNDERLYING BASE DISTRICT	ALLOWED HEIGHT		MAXIMUM STORIES
	AVERAGE	MAXIMUM	
New Buildings			
R-1, R-1A, R-2, R-2A	28 ft.	35 ft.	3 stories
R-3, R-4, R-5, R-S, C-N, C-NS	35 ft.	35 ft.	3 stories

c. Contrary to the ZAB's findings, the story poles erected on the site show that significant views from neighboring properties will be unreasonably damaged

The ZAB erred in finding that the proposed project did not unreasonably obstruct the view from Ms. Wada's home. As depicted in the photo attached as **Exhibit A**, the story poles show that the proposed project has a significant and unreasonable impact on the view from 696 Hilldale, because it blocks much of the Bay Bridge and water view and some of the Bay Bridge skyline views currently visible from Ms. Wada's home. The proposed project also blocks a portion of the Bay Bridge view for 713 Euclid to the north. The proposed design also blocks a significant portion of the daylight received by 696 Hilldale, particularly in the critical winter months.

Ms. Wada has lived at her home at 696 Hilldale Avenue since 1973. For fifty years she has enjoyed each morning in the dining/gathering area overlooking the Bay Bridge. She spends most of her time in this sunny southwest corner of her home. Blocking this specific portion of her view will have a significant detrimental impact on her daily life.

Moreover, the photo attached as **Exhibit A** shows that the project can be scaled back to minimize the impact on Ms. Wada's view and can easily be built in a fully functional manner within the constraints of the development parameters for the zone. In light of these facts, the ZAB should require the project to be scaled back to balance the interests of protecting Ms. Wada's view while allowing reasonable and appropriate development of 705 Euclid. (*See BMC 23.10.020(A)(4).*)

d. Contrary to the ZAB's findings, the project unreasonably intrudes upon neighbors' privacy.

The proposed design of 705 Euclid incorporates two large roof decks totaling over 1500 square feet—one on the top level and another on the penultimate level. The roof decks are a mere 30 feet away from 696 Hilldale's own deck and dining room at their closest. Instead of looking out over the bay, Ms. Wada will now enjoy this sunny corner of her home under the direct gaze of her neighbors. The story poles also made it evident that the proposed roof decks will protrude far enough west to gain a view of the yard and decks of the Raphaels, who live on the other side of Ms. Wada at 694 Hilldale. As the Raphaels explain in the email they have sent to accompany this appeal (see **Exhibit B**), they specifically purchased their home after searching for a place with a yard that was not observable by neighbors.

As previously noted, the proposed decks have the capacity to hold a group of people in excess of 220 for a home that has four bedrooms. (See Reference sheet A1.0, A1.1 & A2.0 in drawing set dated 9/21/22.) Due to 705 Euclid's proximity to Halkin Path, there is no doubt that when these gathering spaces are put to use, guests will exhaust parking on Euclid and overflow will find its way onto Hilldale, a very narrow street. Given that 705 Euclid is in a "very high" fire hazard severity zone as designated by the Berkeley Building Code §19.28.030 and the California Department of Forestry and Fire Protection (CAL FIRE) (See <https://egis.fire.ca.gov/FHSZ/>), this council must consider that such large entertainment spaces are likely to attract large numbers of people and vehicles, which will pose a hazard to the entire neighborhood in an area where narrow winding streets already make emergency vehicle access exceedingly difficult.

e. The ZAB erred in finding that the proposed project would meet the purposes of the R-1 Zone or of the Hillside Overlay Zone.

For the foregoing reasons, as currently designed, the proposed project at 705 Euclid does not meet the purposes of the R-1 Zone: The proposed oversized single-family home does not protect the existing pattern of development; the excessive size is not necessary to make additional housing available; and the project does not protect adjacent properties from unreasonable obstruction of light and air. (See BMC 23.202.050.) Neither does the proposed project serve the purposes of the Hillside Overlay Zone: The project does not protect the character of the Berkeley's hillside areas; instead, the project creates circumstances that could lead to crowded parking that increases the neighborhood's vulnerability in case of wildfire; and the project, as proposed, unreasonably damages the neighbors' views and privacy for the sole purpose of accommodating an oversized (i.e. inappropriate) single-family home. (See BMC 23.210.020.)

f. The ZAB erred in finding the facts supported approval of an AUP.

The ZAB erred by finding that the facts and circumstances justified approving an AUP, because the proposed project is, in fact, "detrimental to the comfort [and] general welfare of persons residing in the neighborhood" and "detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood." Allowing this project to proceed will result in a structure that exceeds the permissible 3-stories, is inconsistent with the neighborhood, unreasonably impinges on neighboring properties' views, and

significantly infringes on the privacy of Ms. Wada and her neighbors. The AUP should be rescinded, and the project should be scaled back to comply with the design standards set out in the Municipal Code.

III. Denial of Due Process Led to Unsupported Findings

In addition to the substantive issues presented by the project, the ZAB hearing on the night of April 27th did not allow for proper public input necessary to support the AUP findings. The ZAB did not allow Ms. Wada and other stakeholders to fully inform the ZAB of the “circumstances existing at the time a decision is made on the application” as required by BMC 23.406.040(E)(4)) and to elucidate their objections to the design. The ZAB initially agendaized the project approval on the consent calendar. But in the face of numerous comments and objections regarding the agenda item, the ZAB conceded that a public hearing was necessary. Though the ZAB then nominally held a “public hearing” on the matter, the ZAB did not actually allow the parties enough time to comment substantively, let alone time to discuss their concerns in depth with the planning staff, as would have been necessary in order for the ZAB to make valid and justifiable AUP findings.

When the ZAB reorganized the agenda during the meeting, the ZAB pushed the hearing on 705 Euclid back to the end of the meeting. Around 10 pm, ZAB members began to excuse themselves due to personal commitments and the lateness of the hour. The project was not discussed until well after 11 pm, and public comment was not allowed until after 11:30 pm.

Prior to the meeting, the planner informed Ms. Wada’s representatives that each person attending the meeting would have two minutes to present the reason for their opposition, but at the meeting, the ZAB cut each opponent’s time to a mere 60 seconds. The ZAB was not interested in obtaining any information from the public and the directly affected neighbors.

Most egregiously, Theodore Raphael, who lives two doors down from the proposed project at 694 Hilldale Avenue, attended the meeting in person, because he has serious concerns about the impact the project will have on his privacy. When he approached to speak on the matter at the meeting during the consent calendar, he was advised to wait until later, when the ZAB purportedly planned to take public comments on the agenda item. He waited. When the item came up for public comment, Mr. Raphael had returned home and logged on to the meeting through Zoom. The ZAB recognized him as one of the individuals who wished to speak on the item remotely, because he had raised his hand. But the ZAB never called on him. On Zoom there was no way for him to gain the ZAB’s attention beyond raising his Zoom hand. He never got his opportunity to address the decision makers. Ted Raphael and his concerns were completely overlooked.

These undemocratic procedures may have allowed the ZAB to expeditiously complete its agenda that night, but they silenced any opposition to the project and denied project opponents due process. As a result, the ZAB made its decision without adequate information and its findings are unsupported. The ZAB’s drive for efficiency foreclosed Ms. Wada’s right to present her opposition fully and fatally compromised the ZAB’s ability to make a rational fully-informed decision.

IV. Conclusion

For the foregoing reasons, Ms. Wada requests that the City Council rescind the AUP and that the planning department require the project proponent to make the following modifications to the proposed project:

- Number of stories: There is no need for five stories on this building and the uppermost roof deck should be removed in its entirety.
- Reduced floor-to-floor heights: Where a project exceeds the maximum allowable height, there is no need for ceiling heights in excess of 10' anywhere in the home, particularly in the sleeping level of the home where 9' is reasonable, even for a high-end bespoke residence.
- Roof geometry: The flat roof is inviting use as a gathering place for far more people than is warranted for a single-family residence. It contributes to an inconsistent look next to the adjacent properties. The roof format should be reconsidered and the topmost roof deck should be eliminated.
- The building should be moved back on the lot so that it does not loom over the streetscape.
- The third-floor roof deck should be reduced in size to pull it away from 696 Hilldale.
- Reduce floor plan: Cut back the overly generous area in front of the elevator/stair at the third floor; pull back the wall several feet to preserve more view and remove windows that face 696 Hilldale.
- Siting: Require that the home be located further away from the street to make its front yard more consistent with other homes on the street; preserve views for the homes at 696 Hilldale and 713 Euclid.

Regards,



Shona Armstrong

cc:

City of Berkeley
Zoning Adjustments Board & Russel Roe, Assoc. Planner
1974 Center St., 2nd Floor
Berkeley, CA 94704
RRoe@cityofberkeley.info

Theodore and Molly Raphael
tdraphael@gmail.com
mraphael@rapgroup.com

Exhibits

- Exhibit A:** Photo of view from Yoshiko Wada's Dining/Gathering Area with story poles showing impact of proposed project.
- Exhibit B:** Email from Theodore Raphael explaining impact of proposed project on his privacy (with photo)
- Exhibit C:** Notice of Determination

Exhibit A



Exhibit B
(Email from Theodore Raphael with photo)

5/23/23, 10:35 AM

Harper & Armstrong, LLP Mail - In Support of Appeal of ZAB decision, re: ZP2022-0104



Shona Armstrong <shona.armstrong@harperarmstrong.com>

In Support of Appeal of ZAB decision, re: ZP2022-0104

1 message

Theodore D. Raphael <tdraphael@gmail.com>

Tue, May 23, 2023 at 6:31 AM

To: Shona Armstrong <shona.armstrong@harperarmstrong.com>

Cc: Kathryn Rauber <kathryn.rauber@harperarmstrong.com>, Heather Sanders-Jacob <heather@shelterwerk.com>, Yoshiko Wada <yoshiko@yoshikowada.com>, Molly Raphael <meraphael@gmail.com>

MEMORANDUM

TO: Berkeley City Council

FROM: Theodore D. Raphael and Mary E. Raphael, 694 Hilldale Ave.

SUBJECT: Opposition to 705 Euclid's Application for Granting of Exceptions to Development Rules (ZP2022-0104)

DATE: May 22, 2023

The application for exceptions to the rules for the proposed development of 705 Euclid should be denied.

The proposed structure will result in a profound loss of the privacy and solitude we sought when we purchased 694 Hilldale. We spent five years (2009-2014) searching for a Berkeley home for retirement that would meet our requirements for privacy and solitude. A home in Berkeley is our final resting place and we wanted it to be perfect. It was, and still is.

The proposed plan for the development of 705 Euclid will greatly compromise the privacy and solitude we have enjoyed since 2014. As the attached photo of 705's story poles clearly shows, two decks, one on each story, will loom over our deck. and obliterate our privacy. The use of those large decks by a multi-generational family will also destroy the quiet enjoyment of our property.

When we considered purchasing our home, we investigated possible threats to our privacy. The only unimproved lot nearby was 705 Euclid. Before we purchased our home, we ascertained that a home built at 705 Euclid would pose no threat to our privacy, due to the constraints of current City of Berkeley development rules. ***So we purchased 694 Hilldale in good faith, confident that our privacy and solitude would be preserved, even if a compliant development of 705 Euclid should occur at a later date.***

When the owners of 705 Euclid bought the lot, they knew, or should have known, that the lot would not come close to accommodating the structure they envisioned, without obtaining exceptions to the rules from the City of Berkeley.

They bought the lot anyway and now plead for predictable significant exceptions to the height and other constraints. If they wanted to build the envisioned structure, they should have bought a lot that would accommodate it, without a need for exceptions or, in the alternative, desiring to build on the lot at 705 Euclid, design a home that complies with current development rules.

Their current "dilemma" is a self-created problem, not an unforeseeable circumstance. Exceptions to the rules are for extraordinary, unforeseeable issues that involve a minor, technical exception benefiting the developer, but to little or no detriment to the neighbors.

Such is not the case with 705 Euclid. The developer faces a wholly self-created problem, avoidable simply by buying a lot for the envisioned structure that conforms with existing rules. Second, the exceptions requested are not minor technical adjustments, but are on an enormous scale benefiting the developer at a great loss of privacy and view for appellant, as well as a great loss of privacy and solitude for us.

This case is not a close call. Buying a lot, knowing that the proposed development would require large-scale exceptions to the rules, and then demanding that the exceptions be granted, smacks of arrogance. The developer should be ordered to revise the design to conform with all current regulations. In the alternative, the developer is free to sell the lot and buy one that will accommodate the desired design without a petition for exceptions.

5/23/23, 10:35 AM

Harper & Armstrong, LLP Mail - In Support of Appeal of ZAB decision, re: ZP2022-0104

Moreover, our right to speak at the Zoning Adjustment Board (ZAB) hearing (April 27, 2023) was recognized (we had sent an emailed letter to staff that morning), and we were placed on the schedule of speakers. However, as the ZAB rushed to adjourn at a very late hour, the chair did not recognize us to speak and adjourned the meeting. We were denied our recognized right to speak, a violation of ZAB hearing procedure.

Also, although the staff member who said at the hearing that he had made a good-faith attempt to reach neighbors, we never received any contact from the City of Berkeley concerning the building permit and building plans for 705 Euclid--not an email, letter, phone call, or notice left on our door. The first we heard about the process was when we noticed the story poles and later when appellant, Ms. Yoshiko Wada, informed us that a hearing had been scheduled for April 27, 2023.

Only then did we obtain general knowledge of the scope of the 705 Euclid project and sought to express our opposition at the hearing. The timing of our involvement was due to the fact that we did not receive any information about the project as to plans, the application process, and the scheduling of a hearing from the City of Berkeley.

The developer seeks exceptions to build an oversized, luxurious single family home. The project serves no public purpose and injures existing neighbors.

Given the facts of this case delineated above, approval of the application for egregious exceptions to the development rules sends a very clear message to the community: "Buy whatever sized lot you wish, design a home of whatever dimensions you wish, and don't worry. In practice, the rules are meaningless. We will ignore the good-faith home purchases of your neighbors, the development rules designed to maintain the character of the neighborhood, and grant the exceptions you seek."

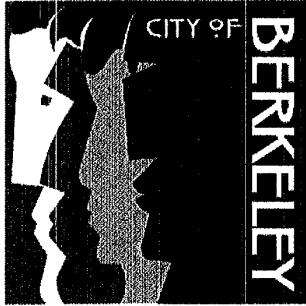
Is this the policy message you wish to send to the community? We trust that it is not. To maintain the integrity of Berkeley's development policies, the decision of the ZAB must be reversed and the petition for exceptions denied.



705 story poles.jpg
3653K



Exhibit C
(Notice of Determination)



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: April 27, 2023

DATE NOTICE MAILED: May 9, 2023

APPEAL PERIOD EXPIRATION: May 23, 2023

EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)¹: May 24, 2023

705 Euclid Avenue

Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permits:

- Use Permit for a new single-family dwelling, under Berkeley Municipal Code (BMC) Section 23.202.020(A)
- Administrative Use Permit to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone, under BMC Section 23.210.020
- Administrative Use Permit to construct two parking spaces in a required front setback, under BMC Section 23.322.080
- Administrative Use Permit to construct an accessory structure (backyard retaining walls) encroaching into a required setback, under BMC Section 23.304.070(B)

ZONING: R-1H- Single Family Residential, Hillside Overlay Zone

APPLICANT: John Newton, 5666 Telegraph Avenue, Oakland CA 94609

PROPERTY OWNER: Tarek and Michel Khoury, 903 Ventura Avenue, Albany CA 94707

INTERESTED PARTY: Heather Sanders-Jacob, Shelterwerk, 1904 Franklin Street, Suite 310, Oakland CA 94612, heather@shelterwerk.com

¹ Pursuant to BMC Section 23.410.050(C), 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
April 27, 2023

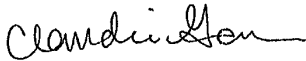
705 EUCLID AVENUE
Page 2 of 4

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures")

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

	Yes	No	Abstain	Absent	Recused
DUFFY	x				
HAUSER				x	
YUNG	x				
O'KEEFE				x	
LUNAPARRA			x		
SANDERSON	x				
THOMPSON	x				
GAFFNEY	x				
TREGUB	x				
BOARD VOTE:	6	0	1	2	0

ATTEST:


Claudia Garcia, Zoning Adjustments Board
Secretary

PUBLICATION OF NOTICE:

Pursuant to BMC Section 23.404.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7548 or rroe@berkeleyca.gov. All project application materials, including full-size plans, may be viewed online at: <https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx> or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

ZONING ADJUSTMENTS BOARD
April 27, 2023

705 EUCLID AVENUE
Page 3 of 4

TO APPEAL THIS DECISION (see Section 23.410 of the Berkeley Municipal Code):

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
 - A. The fee for persons other than the applicant is \$1500. This fee may be reduced to \$500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
 - B. The fee for all appeals by Applicants is \$5,520.
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.

ZONING ADJUSTMENTS BOARD
April 27, 2023

705 EUCLID AVENUE
Page 4 of 4

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 27, 2023

705 Euclid Avenue

Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.

ZONING PERMITS REQUIRED

- Use Permit for a new single-family dwelling, under Berkeley Municipal Code (BMC) Section 23.202.020(A)
- Administrative Use Permit to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone, under BMC Section 23210.020
- Administrative Use Permit to construct two parking spaces in a required front setback, under BMC Section 23.322.080
- Administrative Use Permit to construct an accessory structure (backyard retaining walls) encroaching into a required setback, under BMC Section 23.304.070(B)

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 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures").
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 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

705 EUCLID AVENUE- USE PERMIT #ZP2022-0104
April 27, 2023

FINDINGS & CONDITIONS
Page 2 of 17

- A. Shadow studies submitted by the applicant show that new shadow effects would be minor due to the orientation of the new and existing structures, as well as the existence of tall trees along some of the property lines; and
- B. Privacy intrusions would be minimal because the proposed front balconies are set mostly forward of the fronts of the neighboring houses at 696 Hilldale and 713 Euclid Avenue, the applicant has proposed obscured glass for the windows that have the greatest potential for causing privacy concerns, and new and existing trees will act as visual obstructions between the properties; and
- C. Reduced availability of air will not be an issue because the proposed structure would be roughly 20-25 feet from its northern neighbor and more than 13 feet from its southern neighbor, and the project would exceed the usable open space requirement; and
- D. Story poles erected on the site show that significant views from neighboring properties will not be unreasonably affected.

III. OTHER FINDINGS FOR APPROVAL

2. As required by BMC 23.202.020(B), the Zoning Adjustments Board finds that:
 - A. The proposed project would meet all applicable development standards for the R-1 District except the height limits;
 - B. The proposed increased height limits are justifiable and approvable with an AUP because the proposed height is compatible with those of neighboring structures and story poles erected on the site did not reveal an unreasonable obstruction of significant views from neighboring properties; and
 - C. The proposed parking area, retaining walls, and exterior stairs are approvable in the front setback with an AUP because of the steep upward slope of the lot, and it would be consistent with many neighboring properties that have similar parking areas and stairs in their front setbacks; and
 - D. The proposed project would meet the purposes of the Single-Family Residential District and the Hillside Overlay Zone.

705 EUCLID AVENUE- USE PERMIT #ZP2022-0104
April 27, 2023

FINDINGS & CONDITIONS
Page 3 of 17

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. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination

that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).

- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement

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

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V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____

Name

Phone #

11. **Address Assignment.** The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
12. **Tree Preservation Conditions.** The Arborist Report dated May 26, 2022 shall be included with any application for a building permit, and shall be with the approved set of plans on the job site at all times while work is taking place.
13. **Tree Protection Fencing.** To protect the Specified Tree Protection Zone will be shown on all applicable site, landscape, grading, and utility plans. Such fencing shall comply with the guidelines specified in the Arborist Report dated May 26, 2022.

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

14. 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.
15. Prior to the issuance of any building or demolition permit, the applicant shall prepare and submit a transportation construction plan to the City Traffic Engineer for approval. Please contact the Office of Transportation at (510) 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.
16. 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/>

Prior to Issuance of Any Building (Construction) Permit

17. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

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18. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS). A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans.
19. Electric Vehicle (EV) Charging. Each dwelling unit shall install a listed raceway, wiring, and load capacity to allow for future Level 2 (40 amp) plug-in electric vehicle (EV) charging system installation, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.
20. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
21. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80). The building permit plan set submission shall both include a cover sheet declaration: 'Natural Gas-Free Design as required by BMC Chapter 12.80.
22. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
23. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
24. Geotechnical Plan Review. The applicant's geotechnical consultant should review and approve all geotechnical aspects of the final project building a grading plans (i.e., site preparation and grading, shoring design, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations and retaining walls) to ensure that their recommendations have been properly incorporated.

The Project Geotechnical Consultant should clarify anticipated depths to bedrock materials across the site for structural design (i.e., at what depth can bedrock skin friction be used).

The results of the plan review should be summarized by the Geotechnical Consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.

During Construction:

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25. 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.
26. Tree Protection Fencing to protect the Specified Tree Protection Zone must be installed prior to any site or demolition work, in accordance with the approved plans, and remain during all stages of site work and construction.
27. Tree Monitoring. Trees identified for protection in the Arborist Report dated May 26, 2022 shall be monitored monthly during construction by the project arborist.
28. Geotechnical Report. The contractors shall implement the recommendations of the Geotechnical Soil Report, dated March 15, 2022, including site preparation and earthwork, surface and subsurface drainage, foundation reinforcements, retaining wall design, lateral lode resistance, and seismic reinforcements.
29. Geotechnical Construction Inspections. The Geotechnical Consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete. The Consultant should inspect and approve of temporary shoring measures, as applicable during grading for proposed parking areas and residential improvements.

The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

30. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.
31. 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.

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- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District 's phone number shall also be visible to ensure compliance with applicable regulations.

32. 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.
33. 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.
34. 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.

Please contact the Office of Transportation at (510) 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.

35. 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.
36. 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.

37. 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.
38. 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.
39. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).
- A. *Qualified Paleontologist*. The project applicant shall retain a Qualified Paleontologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
- B. *Paleontological Worker Environmental Awareness Program (WEAP)*. Prior to ground disturbance, the applicant shall incorporate information on paleontological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Paleontological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The Qualified Paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Paleontological WEAP training shall be fulfilled simultaneously with the overall

WEAP training, or at the first preconstruction meeting at which a Qualified Paleontologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

- C. *Paleontological Monitoring.* The extent of required paleontological monitoring for the project shall be determined by the Qualified Paleontologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Paleontologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of microscreening or other inspections for fossil resources. If the paleontologist determines that geologic units exposed between 5-10 feet BGS have high paleontological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be paleontological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no paleontological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, paleontological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.
- D. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.
 - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.

- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.
40. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
41. 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

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- 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.
42. 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.
43. 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.
44. 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.

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45. 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.
46. 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.
47. 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:

48. 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.
49. 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 December 29, 2022, except as modified by conditions of approval.

At All Times:

50. 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.
51. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
52. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
53. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
54. Bird-Safe Glass. The use of bird-safe glass is encouraged for all windows.
55. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.

705 EUCLID AVENUE- USE PERMIT #ZP2022-0104
April 27, 2023

FINDINGS & CONDITIONS

Page 17 of 17

ATTACHMENT 2
ZAB 04-27-2023
PAGE 2 OF 14

John Newton
Design & Development
3666 Telegraph Ave. Ste. 4
Oakland, CA 94609
(510) 847-4708
PROJECT MANAGER
& PROJECT MANAGEMENT

CM Engineers
(925) 838-0570
Cesar A. Martinez, P.E.
PROJECT SUPERVISOR
PROFESSIONAL SEAL
RESIDENTIAL CHANGE

**NEW
RESIDENCE**

PROJECT ADDRESS:
Berkley, CA 94708
APN: 05-305-09-1

OWNER:
903 Venura Ave.
Albany, CA 94707
(510) 887-7100

**LOT COVERAGE &
USEABLE OPEN
SPACE DIAGRAM**

REVISION	
No.	Date
1	9/7/2

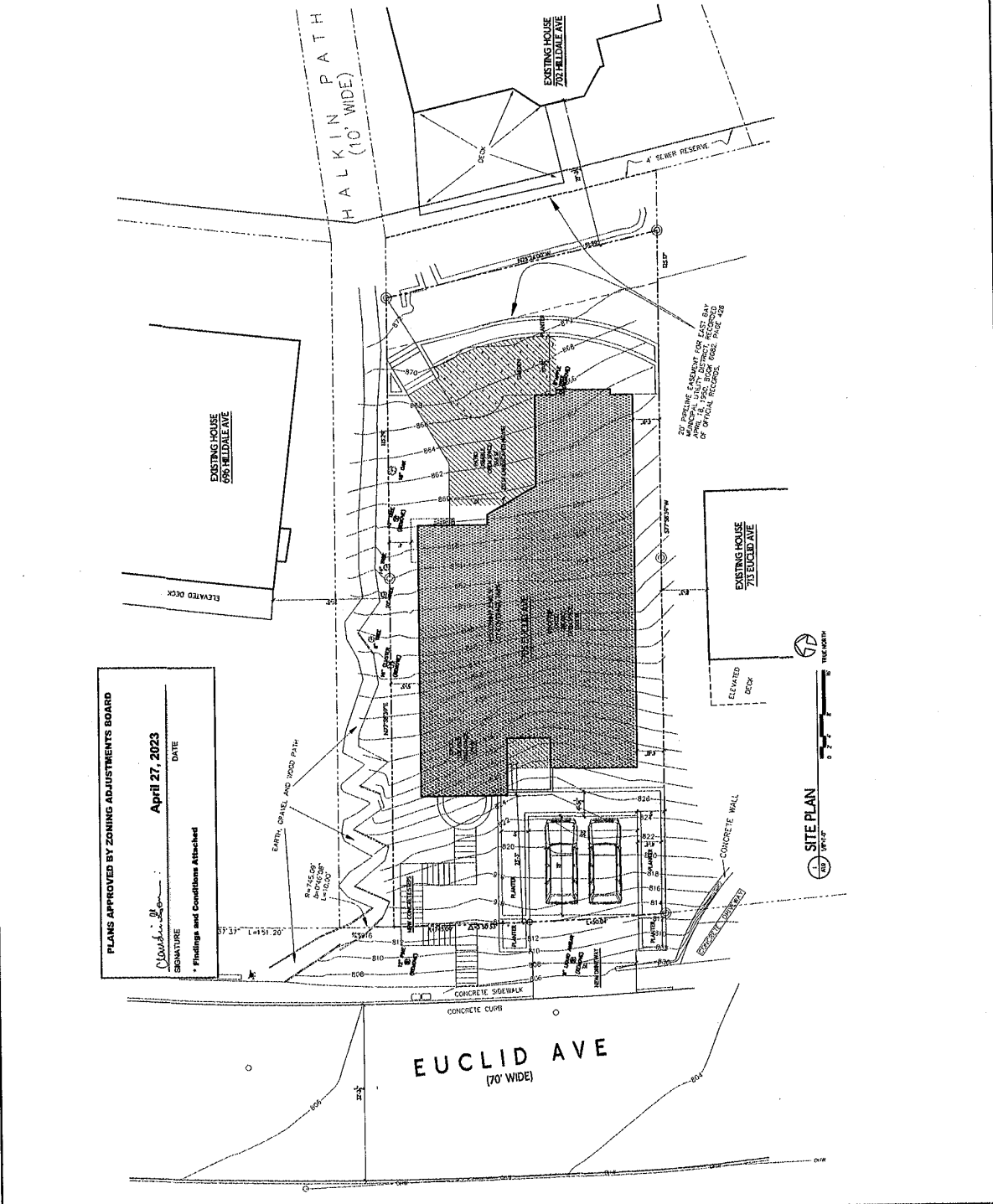
PROJECT No.:
DRAWN BY:
CHECKED BY:
DATE:

A1.1

LEGEND

- USABLE OPENSPACE
- LANDSCAPE AREA
- LOT COVERAGE

EXISTENCE
 1" = 10' HORIZONTAL SCALE
 1" = 4' VERTICAL SCALE
 SEE TOTAL USABLE OPENSPACE
 AND LOT COVERAGE SHEET



PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Clayton J. ...
SIGNATURE

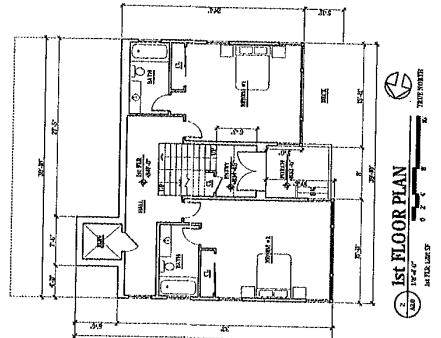
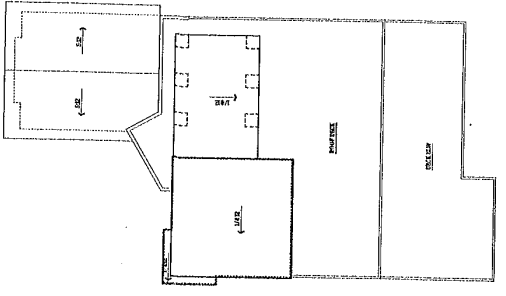
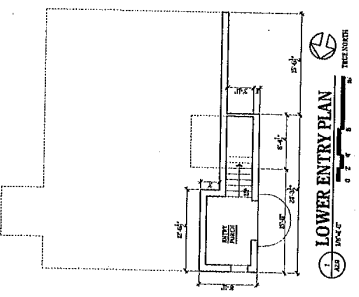
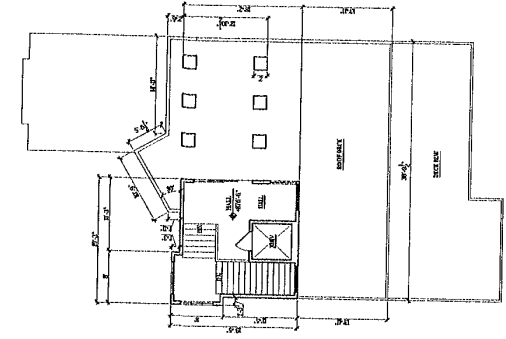
April 27, 2023
DATE

Findings and Conditions Attached

SITE PLAN
SCALE: 1" = 100'

ATTACHMENT
ZAB 04-27-20K
Page 3 of 3

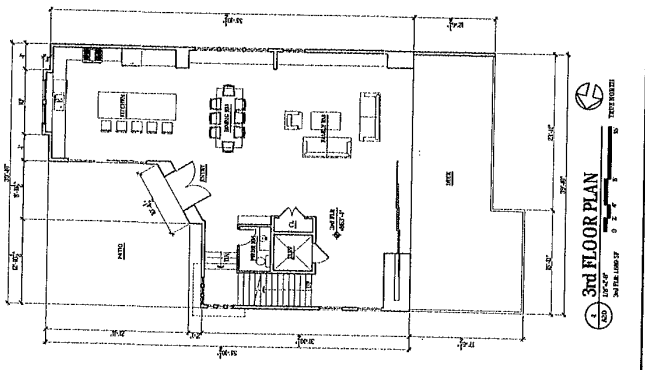
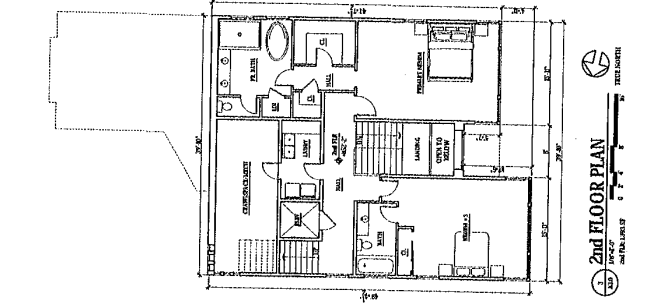
<p>John Newton Design & Development 3666 Telegraph Ave. Ste A Oakland, CA 94609 (510) 847-4108 DESIGN CONSULTING PROJECT MANAGEMENT</p> <p>CM Engineers (925) 836-0570 Chris Mankowski, PE ARCHITECTURAL DESIGN PROFESSIONAL DESIGN RESPONSIBLE CHAIR</p>	<p>NEW RESIDENCE</p>	<p>PROJECT ADDRESS: 705 Euclid Avenue Berkeley, CA 94707 APN: 05-205-401</p>	<p>OWNER: Frank Klamoy 6000 Albany, CA 94707 (510) 887-7100</p>	<p>FLOOR PLANS</p>	<table border="1"> <tr> <th colspan="2">REVISION</th> </tr> <tr> <td>No.</td> <td>Description / Date</td> </tr> <tr> <td>1</td> <td>DESIGN REV 10/21/22</td> </tr> <tr> <td>2</td> <td>PLAN CHECK 12/29/22</td> </tr> </table> <p>PROJECT No.: DRAWING No.: CHECKED BY: DATE:</p>	REVISION		No.	Description / Date	1	DESIGN REV 10/21/22	2	PLAN CHECK 12/29/22	<p>A2.0</p>
REVISION														
No.	Description / Date													
1	DESIGN REV 10/21/22													
2	PLAN CHECK 12/29/22													



PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Signature: _____
DATE: April 27, 2023

* Findings and Conditions Attached



ATTACHMENT 2
ZAG-04-27-2023
PAGE 4 OF 4

John Newton
Design & Development
3668 Telegraph Ave, Ste A
Oakland, CA 94609
(510) 897-1100
PROJECT MANAGER

CM Engineers
(925) 935-6600
700 E. 14th St, Ste 100
Berkeley, CA 94710
REGISTERED DESIGN
PROFESSIONAL ENGINEER
RESPONSIBLE ENGINEER

NEW RESIDENCE

PROJECT ADDRESS:
700 Euclid Avenue
Berkeley, CA 94710
APN: 63-255-461

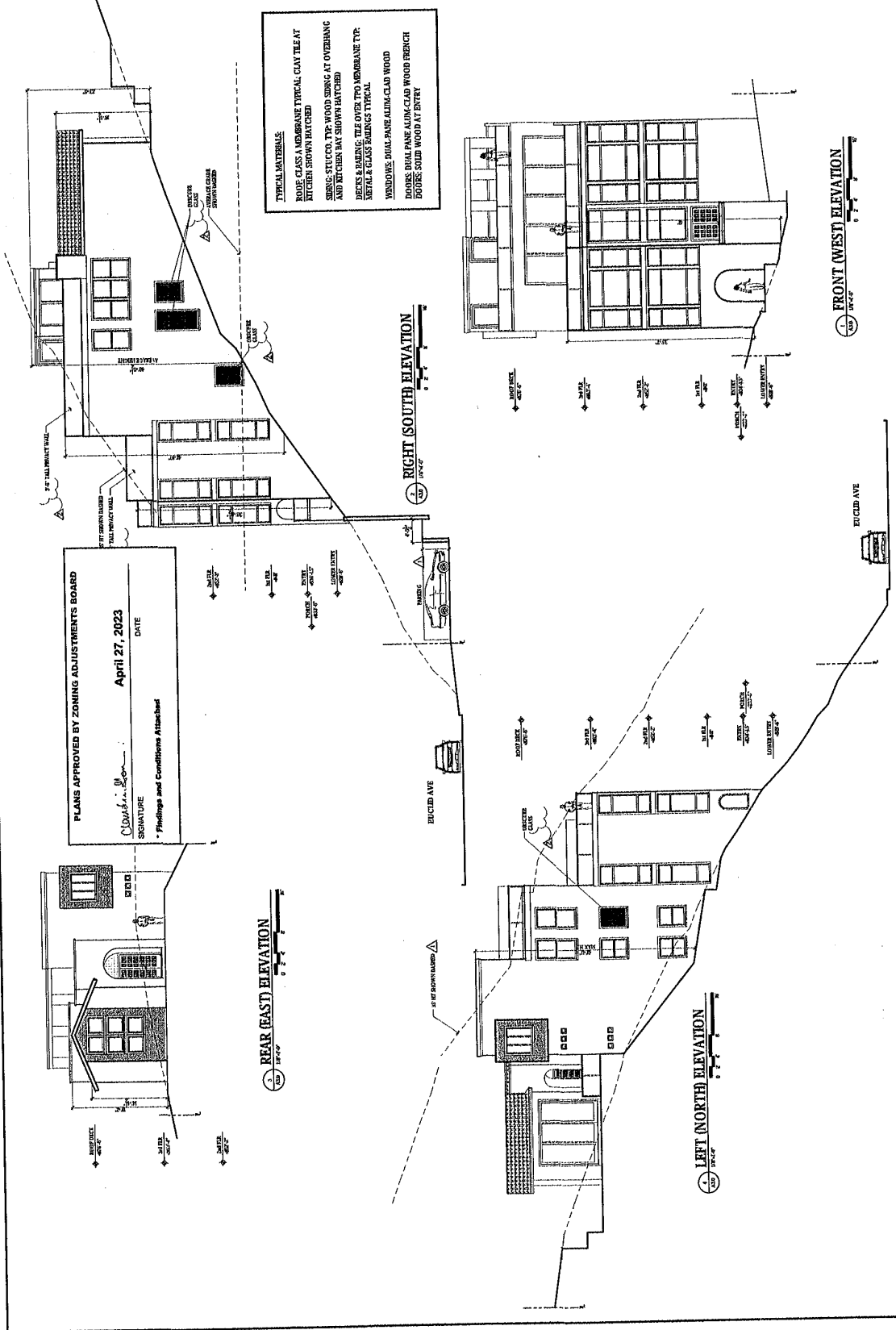
OWNER:
Frank Murray
903 Venice Ave.
Albany, CA 94707
(415) 567-1100

PROPOSED ELEVATIONS

REVISION	
No.	Description

PROJECT No.:
DRAWN BY:
CHECKED BY:
DATE:

A3.0



ATTACHMENT
ZAB 04-27-2023
PAGE 3 OF 3

John Newton
Design & Development
5666 Telegraph Ave, Ste A
Oakland, CA 94609
(510) 847-0800
ARCHITECTURE
& PROJECT MANAGEMENT

CM Engineers
2230 Colma Avenue
Contra Costa, CA 94515
REGISTERED DESIGN
PROFESSIONAL
RESPONDING OFFICE

**NEW
RESIDENCE**

PROJECT ADDRESS:
702 Euclid Avenue
Berkeley, CA 94708
APN: 05-2935-011

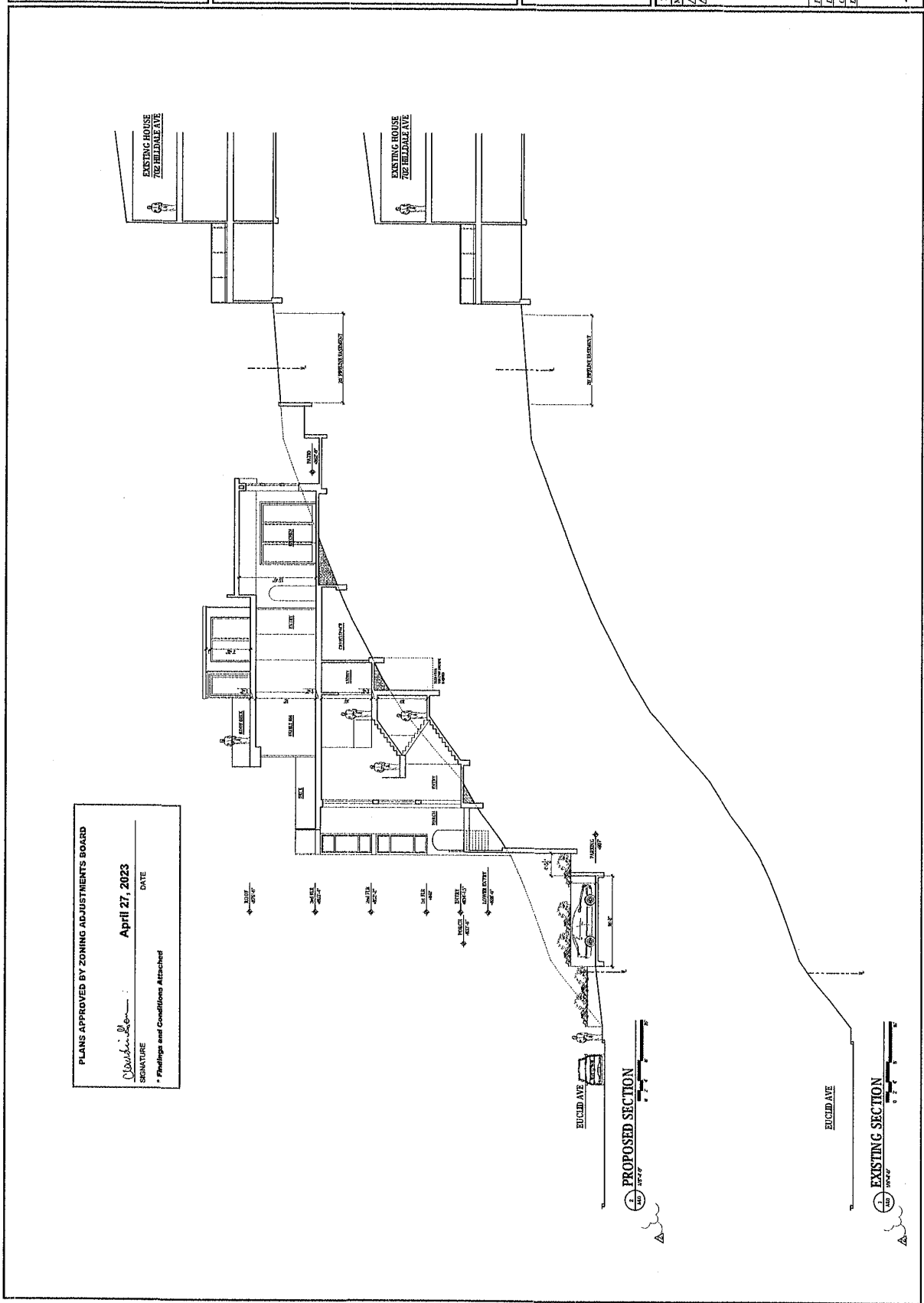
OWNER:
Tom & Mary
903 Yerman Ave,
Albany, CA 94707
(916) 867-1100

**EXISTING &
PROPOSED
SECTIONS**

REVISION	
No.	Date
1	9/2/22
2	2/28/22

PROJECT No.:
DRAWN BY: J.N.
CHECKED BY: J.N.
DATE: 2/28/22

A4.0



PLANS APPROVED BY ZONING ADJUSTMENT BOARD

Signature: *[Handwritten Signature]*
DATE: April 27, 2023

* Findings and Conditions Attached

PROPOSED SECTION

EXISTING SECTION

ATTACHMENT
ZAS 04-27-202
Page 6 of 1.

John Newton
Designer & Development
5666 Telegraph Ave, Ste A
Oakland, CA 94609
(510) 847-4108
DESIGN CONSULTATION
& PROJECT MANAGEMENT

CM Engineers
(925) 838-0570
Cyrus Masfihood, PE
REGISTERED DESIGN
RESPONSIBLE CHARGE

NEW RESIDENCE

PROJECT ADDRESS:
705 Euclid Avenue
Berkeley, CA 94708
APR 18 2023-2024

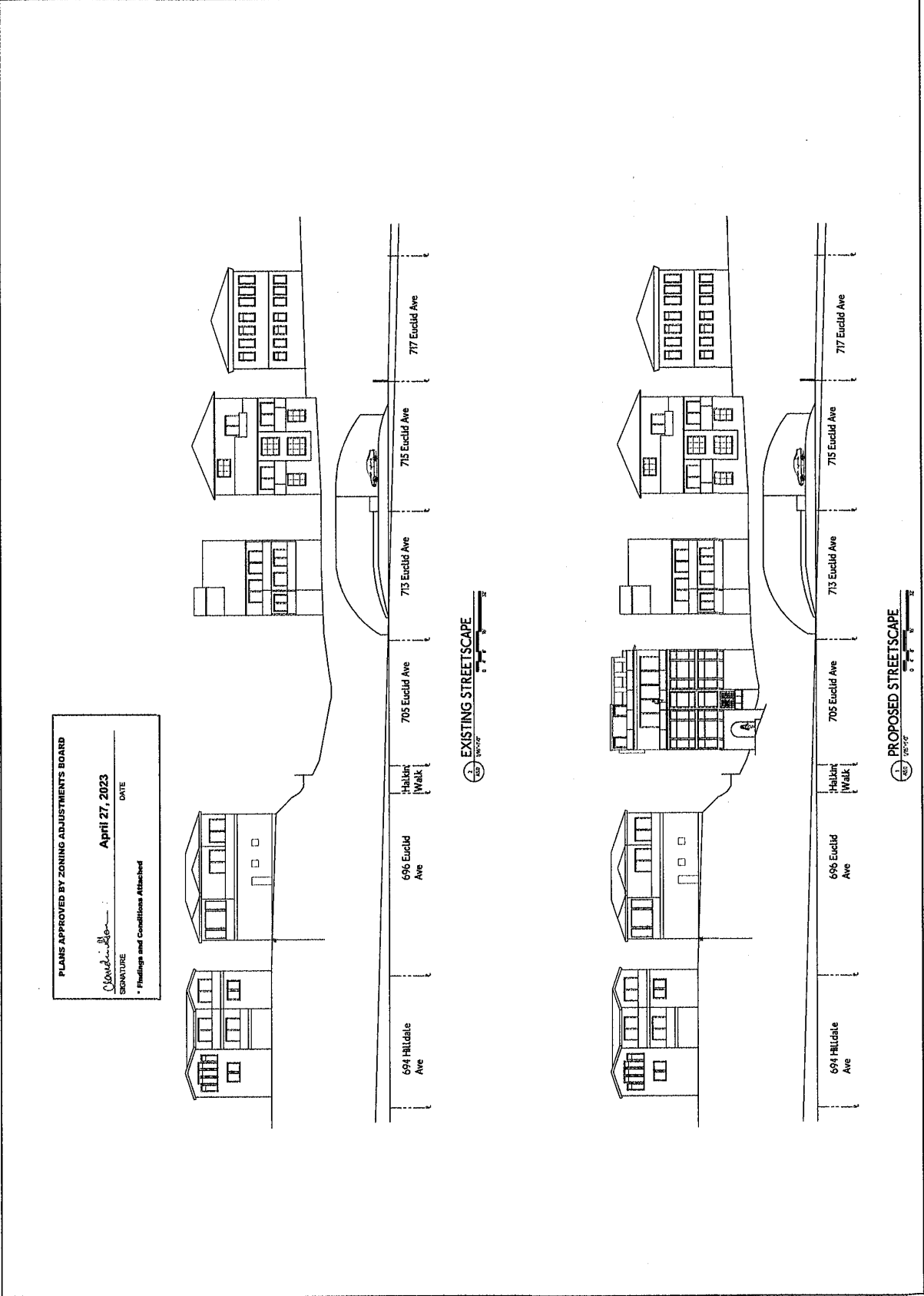
OWNER:
Tarak Khoury
983 Fremont Ave
Berkeley, CA 94704
(510) 837-7100

EXISTING & PROPOSED STREETScape

REVISION	
No.	Description
1	DESIGNARY
	Date: 6/9/23

PROJECT No.:
DRAWN BY:
CHECKED BY:
DATE:

A5.0



ATTACHMENT
ZAB 04-27-20
Page 7 of 8

John Newton
Design & Development
5666 Telegraph Ave, Ste. A
Oakland, CA 94609
(510) 847-4108
PROJECT MANAGER

CM Engineers
0251818-0570 PE
0251818-0570 PE
REGISTERED DESIGN
PROFESSIONAL IN
RESPONSIBLE CHARGE

NEW RESIDENCE

PROJECT ADDRESS:
705 Euclid Avenue
Berkeley, CA 94708
APN: 63-2955-40-1

OWNER:
The Newtons
903 Franklin Ave.
Albany, CA 94707
(510)-287-7100

**SHADOW STUDY
PART 1**

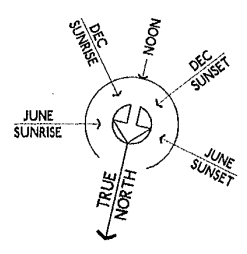
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PROJECT NO.:
DRAWN BY: JAL
CHECKED BY: JAL
DATE: 02/23/22

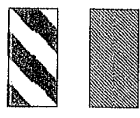
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NEW RESIDENCE

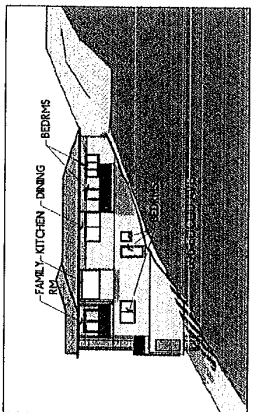
705 Euclid Ave, Berkeley, CA 94708
APN: 63-2955-40-1



LEGEND



NOTE:
SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 705 EUCLID AVE. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.

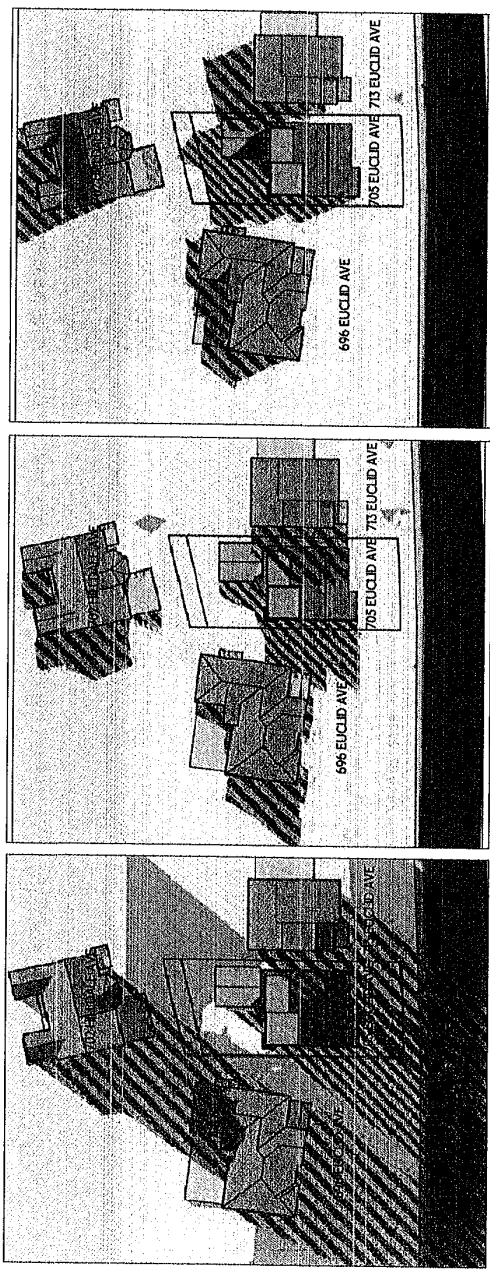


FEBRUARY 26-NOON

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Signature: *Christina...*
DATE: April 27, 2023

* Findings and Conditions Attached



FEBRUARY 26-8:45 AM
FEBRUARY 26-NOON
FEBRUARY 26-4:00 PM

ATTACHMENT 2
ZAB 04-27-2022
Page 8 of 14

John Newton
Designer & Development
5666 Telegraph Ave, Ste A
Oakland, CA 94609
(510) 847-4108
DESIGN CONSULTATION
& PROJECT MANAGEMENT

CM Engineers
(925) 838-0570
Cyrus M. Moshirfar, PE
REGISTERED PROFESSIONAL ENGINEER
RESPONSIBLE CHARGE

NEW RESIDENCE

PROJECT ADDRESS:
705 Euclid Avenue
Berkeley, CA 94707
APN: 63-2955-40-1

OWNER:
Tarak Khoury
8000 Euclid Avenue
Berkeley, CA 94707
(510) 387-7100

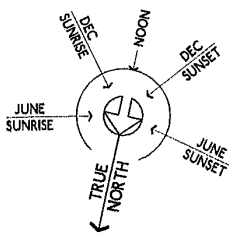
SHADOW STUDY
PART 2

REVISION	
No.	Description
1	DESIGN REV 9/0/22

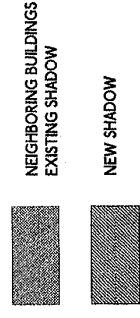
PROJECT No.:
DATE:
DESIGNED BY:
CHECKED BY:
SCALE:

A6.1

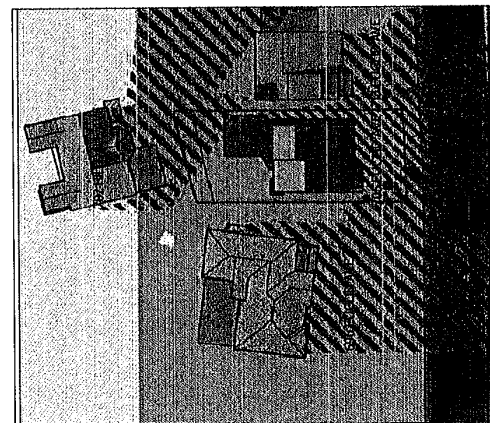
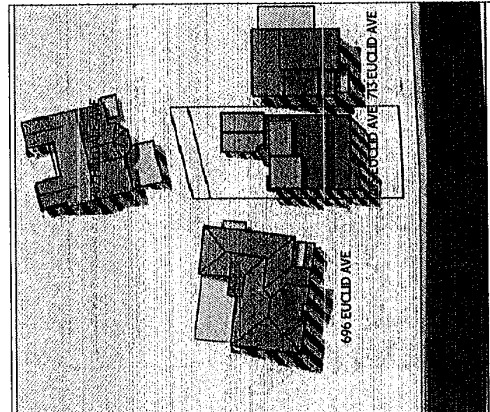
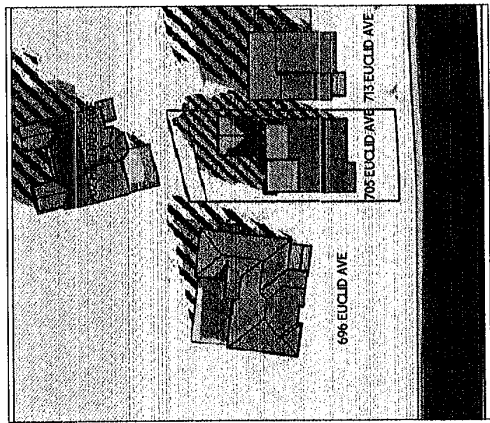
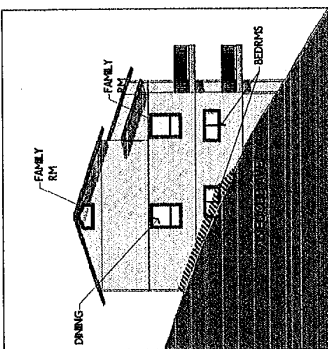
NEW RESIDENCE
705 Euclid Ave, Berkeley, CA 94708
APN: 63-2955-40-1



LEGEND



NOTE:
SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 705 EUCLID AVE. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.



PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

[Signature]
SIGNATURE

April 27, 2023
DATE

* Findings and Conditions Attached

JUNE 21-6:35 PM

JUNE 21-NOON

JUNE 21-7:47 AM

ATTACHMENT
ZAS 04-27-20
Page 9 of

NEW RESIDENCE

705 Euclid Ave, Berkeley, CA 94708
APN: 63-2955-40-1

John Newton
Design & Development
5666 Telegraph Ave, Ste A
Oakland, CA 94609
(510) 897-4108
PROJECT MANAGER

CM Engineers
(925) 938-0570
10000 Wilshire Blvd, PE
Beverly Hills, CA 90210
PROFESSIONAL IN
RESPONSIBLE CHARGE

PROJECT ADDRESS:
705 Euclid Ave
Berkeley, CA 94708
APN: 63-2955-40-1

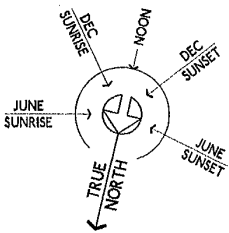
OWNER:
10000 Wilshire Ave
Albany, CA 94707
(510) 367-7100

SHADOW STUDY
PART 3

REVISION	
No.	Date
1	9/2/23
2	DESIGNARY

PROJECT No.:
DRAWING BY: AML
CHECKED BY: AML
DATE: 10/1/23

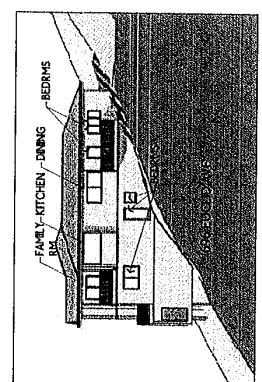
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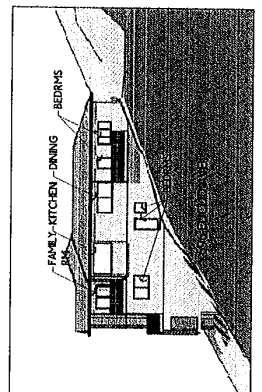
LEGEND

- NEIGHBORING BUILDINGS EXISTING SHADOW
- NEW SHADOW

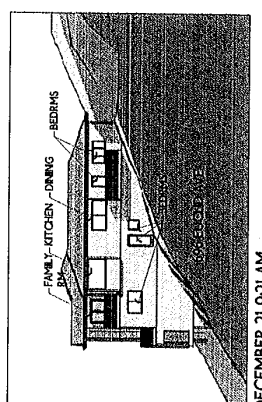
NOTE:
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DECEMBER 21-2:53 PM



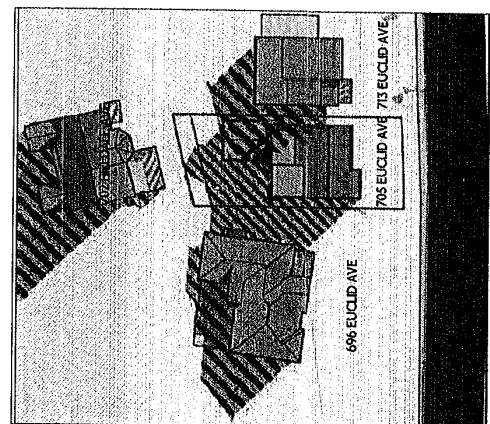
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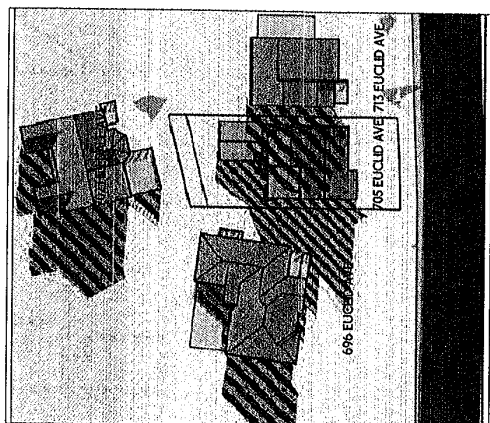
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PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

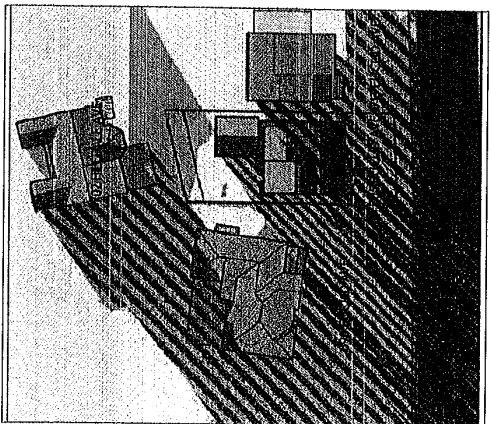
Conrad R. Ben
SIGNATURE
DATE: April 27, 2023
* Findings and Conditions Attached



DECEMBER 21-2:53 PM



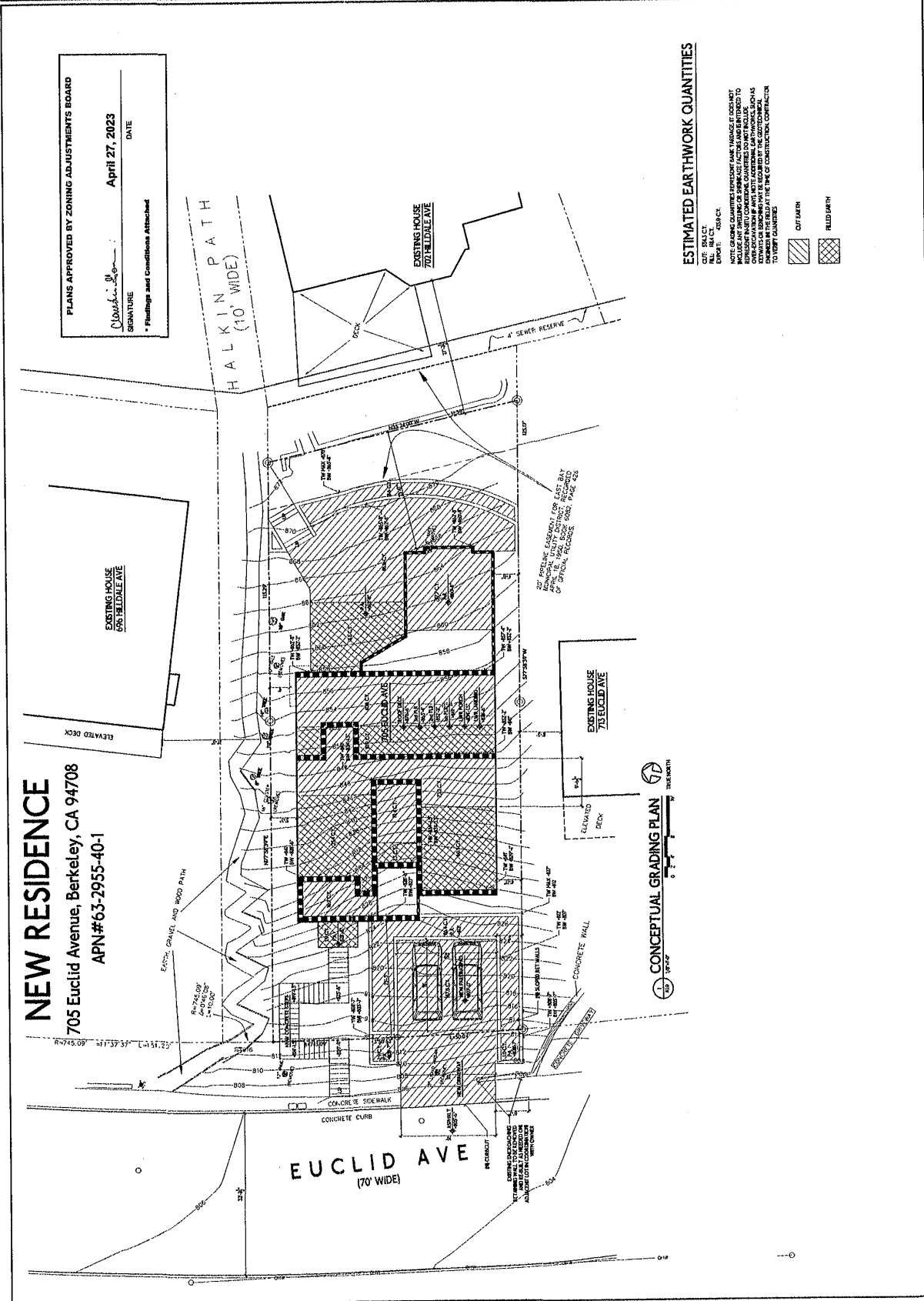
DECEMBER 21-NOON



DECEMBER 21-9:21 AM

ATTACHMENT 2
ZAB 04-27-2023
Page 10 of 14

<p>John Newton Design & Development 3668 Telegraph Ave, Ste A Oakland, CA 94609 (510) 847-4108 DESIGN CONSULTATION PROJECT MANAGEMENT</p> <p>CM Engineers (925) 838-0570 Chris Macdonald, PE PROFESSIONAL SEAL RESPONSIBLE ENGINEER RESPONSIBLE CONTRACTOR</p>	<p>NEW RESIDENCE</p> <p>PROJECT ADDRESS: 705 Euclid Avenue Berkeley, CA 94708 APN: 63-2955-40-1</p> <p>OWNER: Lizette Abonyi 9000 Euclid Avenue Alhambra, CA 94707 (510) 397-7100</p>	<p>CONCEPTUAL GRADING PLAN</p>	<table border="1"> <thead> <tr> <th colspan="2">REVISION</th> </tr> <tr> <th>No.</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>DESIGN REV 9/2/22</td> </tr> </tbody> </table>	REVISION		No.	Description	1	DESIGN REV 9/2/22
REVISION									
No.	Description								
1	DESIGN REV 9/2/22								
<p>PLANS APPROVED BY ZONING ADJUSTMENTS BOARD</p> <p>Signature: _____ DATE: April 27, 2023</p> <p>* Finaltype and Conditions Attached</p>			<p>PROJECT No.: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: 3/21/23</p> <p>CI</p>						



ATTACHMENT
ZAB 04-27-2023
Page 11 of 17

Jolita Newton
Design & Development
5665 Telegraph Ave. Ste
Oakland, CA 94609
(510) 874-1088
DESIGN CONSULTATION
& PROJECT MANAGEMENT

CM Engineers
1925 18th Ave. Ste 200
Cypress, CA 94503
REGISTERED DESIGN
RESPONSIBLE CHARGE

NEW
RESIDENCE

PROJECT ADDRESS:
703 Euclid Avenue
Berkeley, CA 94708
APN: 05-285-46-1

OWNER:
Terek & Khoury
903 Vennum Ave.
Albany, CA 94707
(510) 567-7108

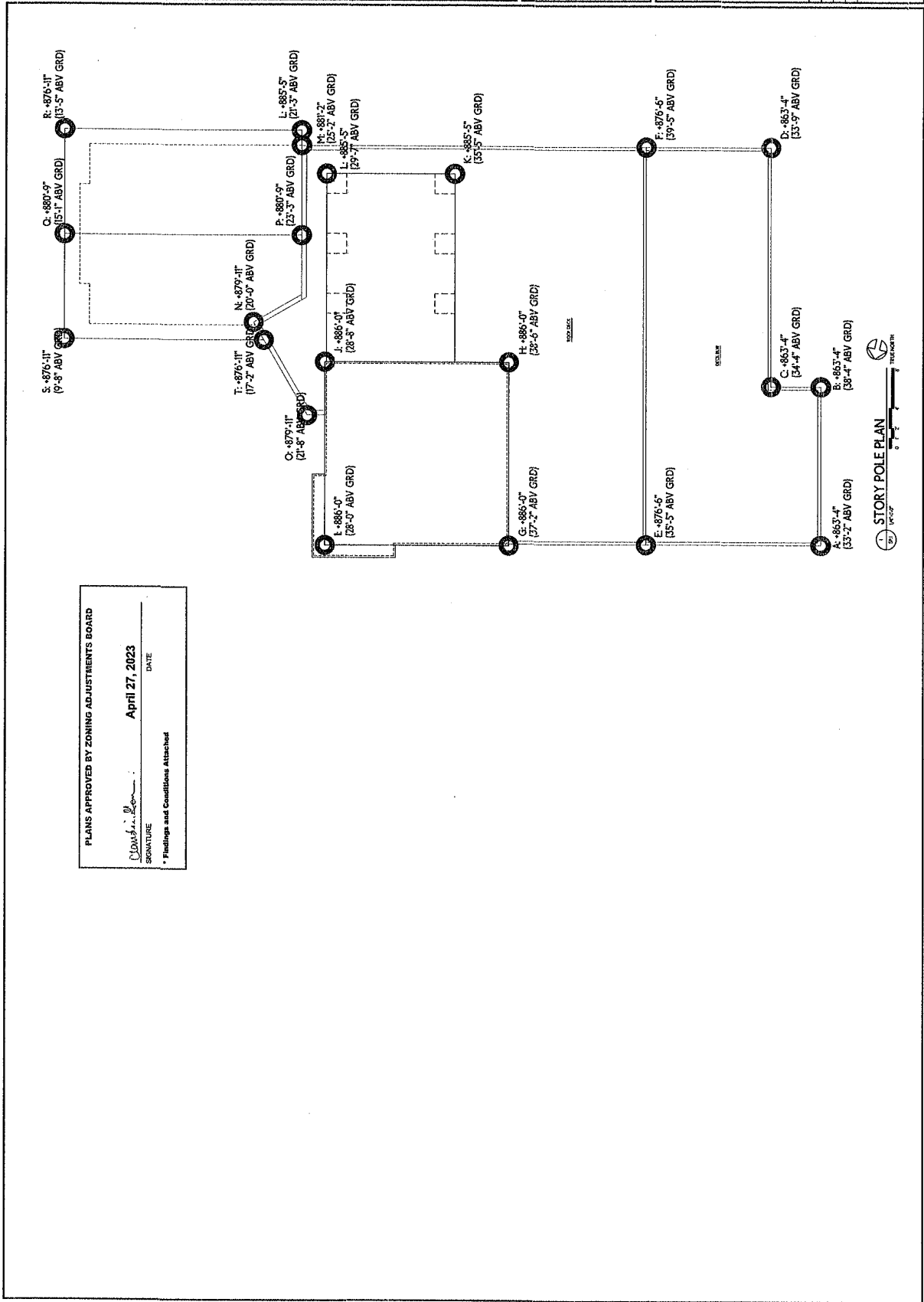
STORY POLE
PLAN

REV	DESCRIPTION	DATE
1	PERMITS	9/1/22

PROJECT No.:	
DRAWN BY:	JAN
CHECKED BY:	JAN
DATE:	9/28/22

PROJECT No.:	
DRAWN BY:	JAN
CHECKED BY:	JAN
DATE:	9/28/22

SP.1



PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Clayton B. ...
SIGNATURE

DATE: April 27, 2023

* Findings and Conditions Attached

David Fowler Designs
3418 BIRKENHEAD ROAD
SAN FRANCISCO, CA 94104
707.531.5199
www.davidfowlerdesigns.com
dfowler@dfdesigns.com



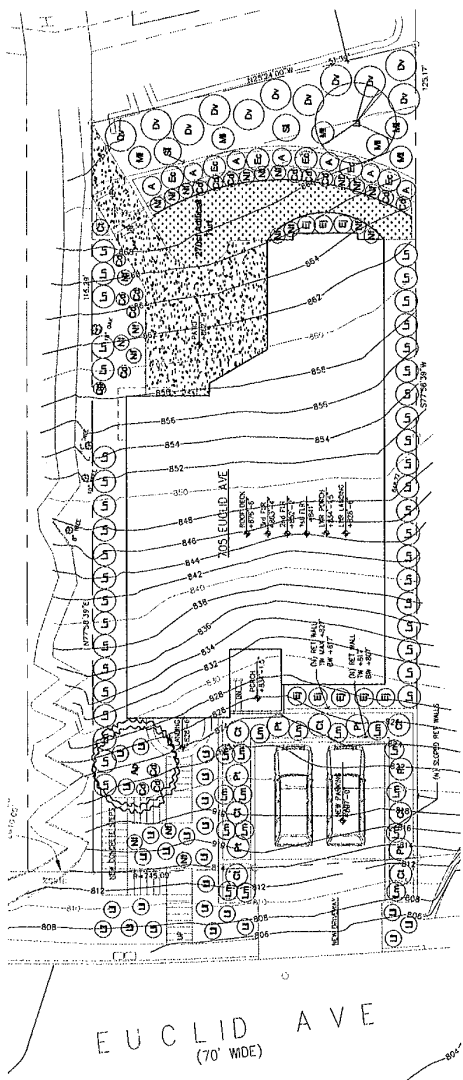
APN: 83-295-00-1
705 EUCLID AVE
BERKELEY, CA 94708

PLANTING PLAN

DATE: 08/23/22
BY: DFW

SCALE: 1/8" = 1'-0"

L1



PLANTING LEGEND

SYMBOLS	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	WFO
A	Angiosanthus floridus	Bush Ranger	1 gal	7	L
Gf	Conyza alliverticillata	Kongroop	1 gal	7	L
Cf	Chamaenerion lachnanthum	Starflower	1 gal	7	L
Df	Dioscorea oppositifolia	Dwarf Cape Bush	1 gal	5	L
Ef	Eragrostis ciliaris	Bluegrass	1 gal	1	L
Ff	Festuca ovina	Sheep Fescue	1 gal	1	L
Gf	Gaura bicolor	Whorled Loosestrife	1 gal	1	L
Hf	Hesperis matronalis	Night-flowering Cerise	1 gal	1	L
I	Impatiens	Patience	1 gal	1	L
J	Juncus	Juniper	1 gal	1	L
K	Kalmia latifolia	Common Laurel	1 gal	1	L
L	Lonicera	Honey-Suckle	1 gal	1	L
M	Malva	Malva	1 gal	1	L
N	Nepeta	Catnip	1 gal	1	L
O	Ornithogalum	Star of Bethlehem	1 gal	1	L
P	Phlox	Phlox	1 gal	1	L
Q	Quercus	Oak	1 gal	1	L
R	Rosa	Rose	1 gal	1	L
S	Sedum	Sedum	1 gal	1	L
T	Taxus	Yew	1 gal	1	L
U	Ulmus	Elm	1 gal	1	L
V	Viburnum	Viburnum	1 gal	1	L
W	Wisteria	Wisteria	1 gal	1	L
X	Xanthoxylum	Yellow Wood	1 gal	1	L
Y	Yucca	Yucca	1 gal	1	L
Z	Zinnia	Zinnia	1 gal	1	L

Soil and Planting Notes:

1. A minimum of 2" of non-compactible composted soil shall be incorporated into the existing soil.
2. Depth of soil to be incorporated shall be a minimum of 6" at a minimum rate of 6 cubic yards per 1000 square feet.
3. A minimum 3" layer of mulch shall be applied on all exposed soil surfaces.

I have complied with the criteria of the ordinance and applied them for the efficient use of water in the planting design.

[Signature]

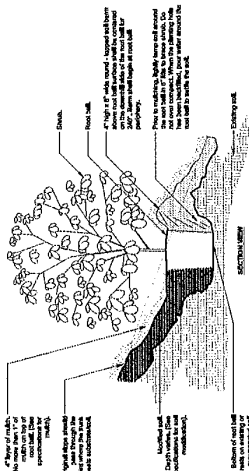
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

April 27, 2023

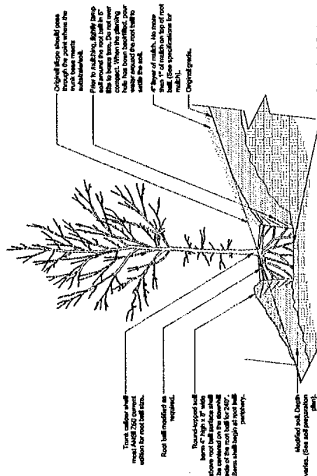
DATE

SIGNATURE

* Findings and Conditions Attached

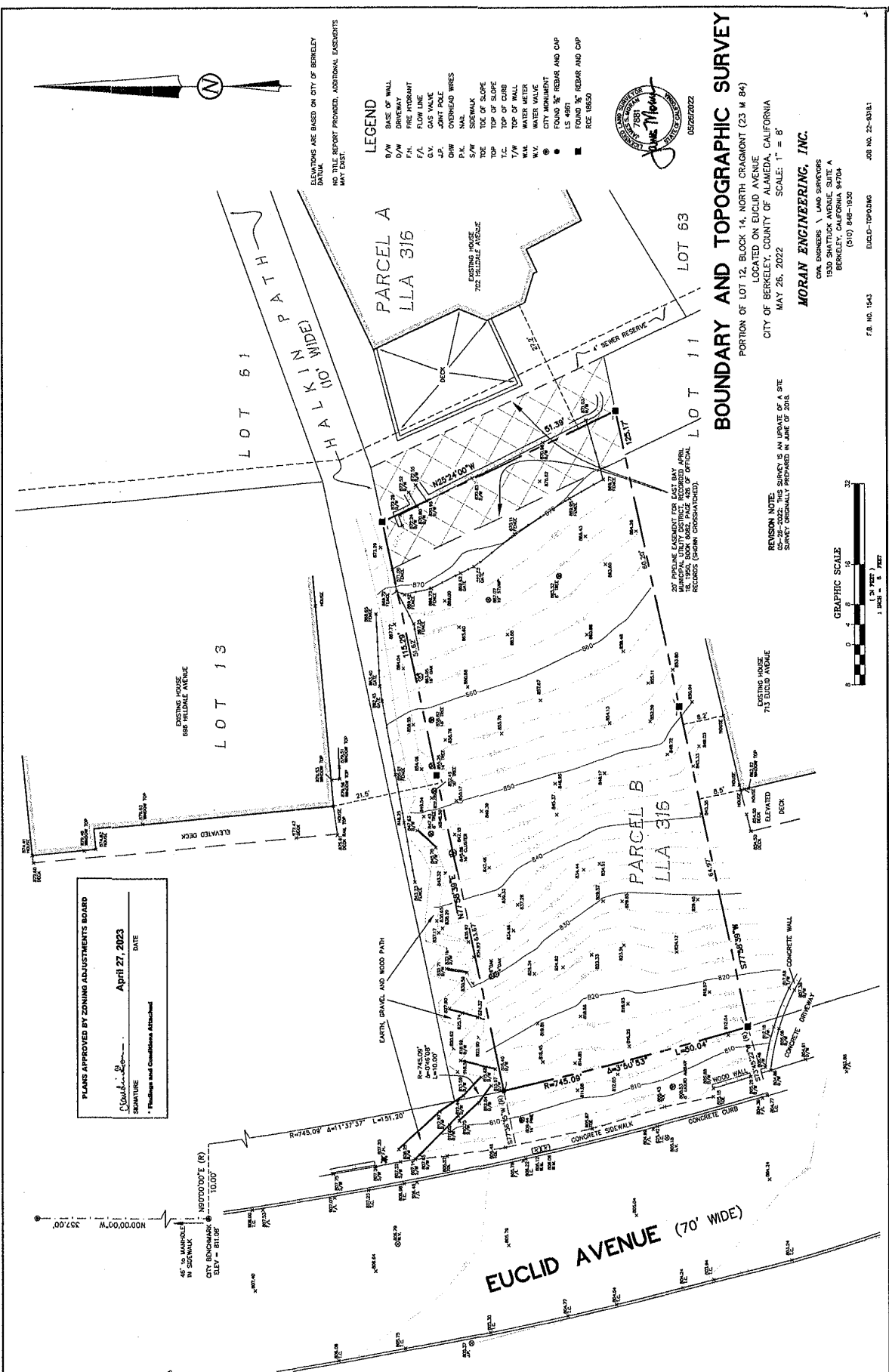


SHRUB ON SLOPE 5% (20:1) TO 50% (2:1) - MODIFIED SOIL



TREE ON SLOPE 5% (20:1) TO 50% (2:1) (EXISTING SOIL MODIFIED)

ATTACHMENT
ZAS 04-27-202
Page 14 of 17



From: [Mariscal, Cecelia](#)
To: [Roe, Russell](#)
Subject: FW: Call From UNKNOWN at Wed, May 31 5:32 PM for (510) 981-7410, 4705 Euclid Proposed Plan Opposition Statement
Date: Friday, June 02, 2023 3:16:55 PM
Attachments: [562 - 60av](#)

Internal

From: Sanford, David
Sent: Thursday, June 1, 2023 8:47 AM
To: ZoningCounter <ZoningCounter@berkeleyca.gov>
Subject: FW: Call From UNKNOWN at Wed, May 31 5:32 PM for (510) 981-7410, 4705 Euclid Proposed Plan Opposition Statement

Forwarded to Rusell Roe on 6/2 at 3:15pm.

Internal

From: voicemail@cityofberkeley.info <voicemail@cityofberkeley.info>
Sent: Wednesday, May 31, 2023 5:37 PM
To: Sanford, David <DSanford@berkeleyca.gov>
Subject: Call From UNKNOWN at Wed, May 31 5:32 PM for (510) 981-7410



You received a phone call from UNKNOWN on Wed, May 31 5:32 PM for (510) 981-7410.

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Message

Yeah, this message is for the zoning board regarding the proposed plans 4705 Euclid. I stood in opposition to the plans and have made an extensive list mister daffy gave a nod and said to me to come back and and tell he only allowed me to say two things before he cut me off and is my understanding that there are several people there who were posing the project. I am concerned that there is some kind of a of you know behind the scenes deal making going on here because the neighbors around here are opposed to the project as it stands and it is kind of an assault on the environment on the landscape. It's Stark a texture as I call it and it really doesn't have a place here if it gets any taller, I know that the plans I have a copy of the plans and I know that they don't include the solar panel height and if it goes any higher than it is right now. It's going to be blocking my view of my favorite Bridge, which is the Richmond San Rochelle Bridge and I know views are thing here and in the Berkley Hills and I both separately at this point now since I've been waiting and waiting to attend another meeting where these people would defend their plans. I wrote them a letter I left three voice mails prior for the zoning board on specific at the time they were I could selected whoever but I don't know who received the message and then I attended that meeting in opposition and it was a first time in my life that I felt pat empowered to create change and the City of Berkeley. It seems like it might be sliding into average suburbia sleeping community. This you know, it's really an assault on the environment and on the neighborhood and I'm opposed to it. I'm at 706 Hill Dale and I'm joining the appeal both differently I will be joining the appeal opposing this development because it's an assault on the landscape and a visual assault to the neighbourhood heat glare wind vectors and conditions that's going to make a wind tunnel. It's poorly designed for the comfort of occupants, which should be the architects primary concern. It never mind being an agreed with a fence to the aesthetic of anybody who cares about nature. So that's my for the moment feedback and you know again, it's really disappointing to have attended that meeting deliberately and in person and two again have felt empowered to have an effect on an influence on on this and then to know that it's been just been sneaked through so that's gonna result in equal an opposite reaction. If you will Newton, third law motion blessings cancel this plan. It's really a disaster and it's in violation of the city code itself. Five stories is violation of the three story limit blessings.

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Jacob, Melinda

Subject: FW: ZAB Meeting - April 27, 2023

From: tarek.khoury@gmail.com <tarek.khoury@gmail.com>

Sent: Wednesday, May 31, 2023 11:45 AM

To: Roe, Russell <RRoe@berkeleyca.gov>

Subject: RE: ZAB Meeting - April 27, 2023

Russell,

You mentioned that you have to put some time to go through the appeal letter. I put together the following cliff notes for myself, thought you may be able to use it and save you some time and brain damage:

1. The letter is an appeal from Yoshiko Wada, represented by Harper & Armstrong, LLP, regarding the approval of an AUP) for the construction of a 5-story single-family residence at 705 Euclid Avenue in Berkeley.
 - a. The appeal argues that the proposed project does not comply with the development standards for the R-1 (Hillside Overlay) zone and provides no rationale for relaxing these standards.
 - b. The letter described the project as an excessively large, luxurious, single-family home that does not include affordable housing units or neighborhood amenities.
 - c. Furthermore the letter described the project as a "looming behemoth" that exceeds the permissible number of stories and creates an unreasonable obstruction on Euclid Avenue.
2. The appeal claims that the approval of the project by the ZAB should be reversed because it is detrimental to neighboring properties and does not serve the purposes of the R-1 District and Hillside Overlay Zone.
 - a. The letter argues that the AUP 705 Euclid obtained, allows for the construction of a 41-feet, 11-inches high home, exceeding the maximum allowable height under the Berkeley Municipal Code (BMC).
 - b. The appeal also challenges the ZAB's approval on architectural grounds, citing compatibility issues with neighboring structures, significant privacy intrusions, natural lighting impairment, and unreasonable obstruction of views.
3. The analysis section of the letter argues that the ZAB's decision was based on a misinterpretation of the facts, particularly regarding the number of stories in the proposed project, and that the height of the residence is unnecessarily incompatible with neighboring structures.
 - a. The letter provides legal standards for the City Council's appellate review of the ZAB approval and outlines the findings required for the approval of an AUP.
 - b. The letter highlights various reasons why the approval is flawed, including the excessive height and number of stories, disregard for neighbor concerns, and the private benefit it confers on the owners at the expense of existing residents.
4. The letter urges City Council to reverse the ZAB's decision and require the proposed project to conform to the development standards outlined in the BMC.
5. The appeal concludes by asserting that the City Council must rescind the approval of the AUP and require the project to comply with the design standards specified in the BMC.

Regards,

Tarek

510-387-7100

From: Roe, Russell <RRoe@berkeleyca.gov>
Sent: Wednesday, May 31, 2023 9:44 AM
To: John Newton <jmnewton67@sbcglobal.net>; tarek.khoury@gmail.com
Subject: RE: ZAB Meeting - April 27, 2023

John/Tarek,

The City Council hearing of the 705 Euclid appeal is scheduled for September 19. Please let me know ASAP if that date won't work for you. However, keep in mind that that's the earliest date I could get.

Russell Roe
Associate Planner/ Code Enforcement
City of Berkeley
(510) 981-7548

From: John Newton <jmnewton67@sbcglobal.net>
Sent: Tuesday, May 23, 2023 2:25 PM
To: tarek.khoury@gmail.com; Roe, Russell <RRoe@cityofberkeley.info>
Subject: Re: ZAB Meeting - April 27, 2023

Yes-please forward us copies of anything formally submitted so we can review as well.
Thanks
John

On Tuesday, May 23, 2023 at 02:16:26 PM PDT, Roe, Russell <roee@cityofberkeley.info> wrote:

John/Tarek,

As I think we all expected, I received an appeal letter today for the 705 Euclid project. So, most likely, it will have to go before City Council sometime in the next few months. I'll be back in touch when I have more information.

Russell Roe
Associate Planner/ Code Enforcement
City of Berkeley
(510) 981-7548

From: tarek.khoury@gmail.com <tarek.khoury@gmail.com>
Sent: Monday, May 15, 2023 7:36 PM
To: Roe, Russell <RRoe@cityofberkeley.info>
Subject: RE: ZAB Meeting - April 27, 2023

Thanks. I think the fault is on my side, I think I interpreted his statement as from the date of the decision and not the notice of decision.

I was secretly hoping I got away without an appeal! Hahaha

tk

From: Roe, Russell <RRoe@cityofberkeley.info>
Sent: Monday, May 15, 2023 3:55 PM
To: Tarek Khoury <tarek.khoury@gmail.com>
Subject: RE: ZAB Meeting - April 27, 2023

He may have misspoken. I believe it was his first meeting as Chair. The appeals period for use permits is 14 days after the date on the Notice of Decision.

Russell Roe

Associate Planner/ Code Enforcement

City of Berkeley

(510) 981-7548

From: Tarek Khoury <tarek.khoury@gmail.com>
Sent: Monday, May 15, 2023 3:47 PM
To: Roe, Russell <RRoe@cityofberkeley.info>
Cc: John Newton <jmnewton67@sbcglobal.net>
Subject: Re: ZAB Meeting - April 27, 2023

Russell,

I noticed that the deadline for submitting an appeal got pushed out nearly a month. The chairperson indicated that the appeal period was two weeks from the meeting.

What changed? Did the chairperson misspeak?

tk

I'm on the go, please excuse typos, and my bot.

On May 5, 2023, at 4:28 PM, Roe, Russell <RRoe@cityofberkeley.info> wrote:

Tarek,

I think I forgot to reply to you yesterday. Switching to a different set of poles might be tricky. They're supposed to remain in place, so switching would require one company taking theirs down and another company putting new ones up, exactly in the same places and in the same dimensions, all on the same day.

Russell Roe

Associate Planner/ Code Enforcement

City of Berkeley

(510) 981-7548

From: Tarek Khoury <tarek.khoury@gmail.com>
Sent: Thursday, May 04, 2023 11:31 AM
To: Roe, Russell <RRoe@cityofberkeley.info>
Cc: John Newton <jmnewton67@sbcglobal.net>
Subject: Re: ZAB Meeting - April 27, 2023

Thanks for the warning. I have no doubt she will appeal.

I fear that means many months for these poles. If I consider going with an alternative company. Does trigger any issues?

tk

I'm on the go, please excuse typos, and my bot.

On May 4, 2023, at 10:50 AM, Roe, Russell <RRoe@cityofberkeley.info> wrote:

Tarek and John,

The story polls need to stay up until the zoning permit is issued. This would be at the end of the appeals period if the project is not appealed. If it is appealed, then they'll have to remain up until things are resolved.

Unfortunately, it seems like the neighbor is considering an appeal. I don't believe she has filed with the City Clerk yet, but she has someone representing her that has been asking questions. We also received some angry emails from people who were upset about the way they feel ZAB rushed through the hearing because it was late. We'll just have to wait and see what happens. The Notice of Decision letter should go out in the next couple of days. I imagine we'll know more shortly after that. I'll let you know as soon as I hear anything.

Russell Roe

Associate Planner/ Code Enforcement

City of Berkeley

(510) 981-7548

From: tarek.khoury@gmail.com <tarek.khoury@gmail.com>
Sent: Thursday, May 04, 2023 9:37 AM
To: Roe, Russell <RRoe@cityofberkeley.info>; 'John Newton' <jmnewton67@sbcglobal.net>
Subject: RE: ZAB Meeting - April 27, 2023

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.

Mr. Roe,

Thank you for the support last week. I appreciate the work that you did and help in putting a complete package in front of the board.

Do we still need the story poles by the way? The rent the company I deal with is charging, is quite expensive for what they are.

Regards,

Tarek

From: Roe, Russell <RRoe@cityofberkeley.info>
Sent: Thursday, April 20, 2023 3:10 PM
To: 'John Newton' <jmnewton67@sbcglobal.net>; tarek.khoury@gmail.com
Subject: FW: ZAB Meeting - April 27, 2023
Importance: High

Please see the link below for information on joining next week's ZAB meeting remotely or in person.

Russell Roe

Associate Planner/ Code Enforcement

City of Berkeley

(510) 981-7548

You may access the information by clicking on the link below or by copying and pasting it into your browser:

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-04-27_ZAB%20Agenda_Linked.pdf

Please forward this email to other interested parties.

Thanks,

Melinda

<image002.png>

Melinda Jacob

Office Specialist II

Planning and Development, Land Use Division

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

Phone: (510) 981-7421

Website: www.berkeleyca.gov

Email: mjacob@berkeleyca.gov

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[Construction & Development | City of Berkeley \(berkeleyca.gov\)](#)

<https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/permit-service-center>

[Zoning Lookup | City of Berkeley \(berkeleyca.gov\)](#)

From: [Sanford, David](#)
To: [Roe, Russell](#)
Subject: FW: Call From UNKNOWN at Mon, Jun 05 9:16 AM for (510) 981-7410 , 705 Euclid inquiry
Date: Monday, June 05, 2023 9:43:14 AM
Attachments: [Screenshot](#)

Internal

From: voicemail@cityofberkeley.info <voicemail@cityofberkeley.info>
Sent: Monday, June 05, 2023 9:20 AM
To: Sanford, David <DSanford@berkeleyca.gov>
Subject: Call From UNKNOWN at Mon, Jun 05 9:16 AM for (510) 981-7410



You received a phone call from UNKNOWN on Mon, Jun 05 9:16 AM for (510) 981-7410.

Others in your organization are blocking this caller.

Message

Good morning zoning board calling regarding the property at 705 Euclid. I had attended the public meeting public hearing about the plans and understand that there were several people who were in opposition to the plans. I was lead to believe in my ignorance of how local politics work. I was lead to believe by some comments made by mister daffy that there would be an opportunity for the neighbors of the project to hear the architect and the owners of the property who I I assume are intending to live there to hear them defend the project and possibly to allow the neighbors to articulate their particular concerns and then I understand that the project was approved without such meeting. I am a neighbor who will be directly affected four and the property here will be directly affected by the imposition of this building and I have many concerns which are completely valid, including heat and

glare reflected down on the lower area, including wind management deflects and all of that and any extra height. I have a copy of the plans and they do not include solar panels and if there's any extra. Hi, just gonna block the view my view of my favorite Bridge. So these people I would hope that they would be concerned about the fact that they're having on their neighbors, which and my personal meetings with both Mr. Is Corey? I have not found them to be particularly considerate of that there are arriving as new comers to a neighborhood that is established by people who love being here. So I would think they would care how we feel. So we'll be looking forward to September blessings.

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From: [Sanford, David](#)
To: [Roe, Russell](#)
Subject: FW: Call From UNKNOWN at Tue, Jun 06 8:13 AM for (510) 981-7410, 705 Euclid anonymous comment
Date: Tuesday, June 06, 2023 11:31:49 AM
Attachments: [Screenshot](#)

Internal

From: voicemail@cityofberkeley.info <voicemail@cityofberkeley.info>
Sent: Tuesday, June 06, 2023 8:17 AM
To: Sanford, David <DSanford@berkeleyca.gov>
Subject: Call From UNKNOWN at Tue, Jun 06 8:13 AM for (510) 981-7410



You received a phone call from UNKNOWN on Tue, Jun 06 8:13 AM for (510) 981-7410.

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Message

Good morning zoning board. This message is regarding 705 Euclid. I have a question for pondering, which is if it's called a public hearing but you don't hear the public and then you make a decision allegedly based on the hearing and if she's brought up at the hearing that is in conflict with the people who wish to Express themselves. I'm confused about how that's a public hearing it seems like maybe it's miss measuring from the outset from the very first step, it's dishonest. I understand you got a lot of projects and all of that. But then the other is a request there have been a lot of trespassers and encourages on my property here, which is adjacent there is a path well worn from chairs that the quarries have set up that the public uses coming off of Hall can walk and I'm wondering if it could be since there are several months now before or anything changes going to occur could that whole can

walk be fenced off, so that those chairs are not accessible to the public and there's you know there's a concern for her injury certainly somebody falling down that steep slope. If they were drunk or something and then also I've had personal item disappear from well onto my Garden. And lastly, there is a brush fire pile that could certainly be caught on fire since I know that that is a great concern for the city. So I just am wondering if that could be fenced off to prevent further problems with this project and to the neighborhood relations. Thank you so much.

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From: [Jacob, Melinda](#)
To: [Roe, Russell](#)
Subject: 705 Euclid
Date: Wednesday, June 07, 2023 12:36:45 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)

Internal



You received a phone call from UNKNOWN on Wed, Jun 07 12:16 PM for (510) 981-7410.

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Message

Good Wednesday afternoon to the zoning board and I'm calling regarding the property at 705 Euclid. We've touched on the concerns of the glare and heat reflection on downhill neighbors and community, including drivers on Euclid and also wanted to bring up the consideration of reflected and amplified sound on downhill neighbors. So the design for that particular lot could have some really beautiful graceful complimentary aesthetic appeal that blended with the surrounding architecture and it was you know really. Generous Remarks to Berkeley as consideration for beautiful Architecture. One of the things that's known for however, the ridiculous glass design. Is going to make a Canyon of of noise and he and glare and amplification of barking dogs, which already that is something that's happening and that region Echo and barking reflected noise. So we'll just keep up the the considerations and remind ourselves of proverbs 12 to which is that the Lord condemns Craft him and so this this plan seems to be being pushed through by something other than the community appeal and certainly not buy any kind of respectful dialog. So hoping to make some transformations and consciousness. Thank you.

Melinda Jacob
Office Specialist II
Planning and Development, Land Use Division
1947 Center St., 2nd Floor, Berkeley, CA 94704
Phone: (510) 981-7421

Website: www.berkeleyca.gov

Email: mjacob@berkeleyca.gov

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<https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/permit-service-center>

[Zoning Lookup | City of Berkeley \(berkeleyca.gov\)](http://www.berkeleyca.gov/zoning-lookup)

From: [Sanford, David](#)
To: [Roe, Russell](#)
Subject: FW: Call From UNKNOWN at Thu, Jun 08 11:05 AM for (510) 981-7410, 705 Euclid anonymous ZAB comment
Date: Friday, June 09, 2023 1:20:09 PM
Attachments: [Screenshot](#)

Internal

From: voicemail@cityofberkeley.info <voicemail@cityofberkeley.info>
Sent: Thursday, June 8, 2023 11:09 AM
To: Sanford, David <DSanford@berkeleyca.gov>
Subject: Call From UNKNOWN at Thu, Jun 08 11:05 AM for (510) 981-7410



You received a phone call from UNKNOWN on Thu, Jun 08 11:05 AM for (510) 981-7410.

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Message

Good morning, zoning board Thursday morning and I'm calling regarding the property at 705 Euclid. Today's concern expressed is that perhaps the architect. I believe John Newton is his name didn't spend a significant amount of time up here understanding the fog belt and the wind and other elements that really a block square rectangular hard scape structure is really unsafe suitable to the Micro climate up here. I have a lot of concern about reflected wind editing wind the dust and other other things resulting blowing on Hawk and walk the path there and also across the face of other neighbors buildings and who knows I don't know these people are engineers both the father and the son our engineers is my understanding the owners of the property and you know, I know wind of the thing for engineers to understand when they're doing buildings, you know, how it might

with all, you know, all kinds of things can result from that, but certainly a more graceful natural harmonious design with some different, you know maybe not so looming, but also with the other mitigating factors like a green roof or other plantings or other you know anybody doing livestock hair, you know that you don't build a solid wall to create a window barrier for your animals, that's not how it works that makes all kinds of other disastrous, you know down when the facts of of of being blasted by wind also how are they going to keep their windows clean is not going to be an issue then of the whole building has to be washed on a regular basis that doesn't seem very environmentally. Suitable not very forward thinking and then again, I just want to prompt a reminder, they have a dry brush pile that the fire department might be concerned about and there's trespassing on adjacent properties, because they have chairs set up that the public is using there. So just a little problem to remind that so that's a lot of many concerns and there will be more voice in the future. Thank you.

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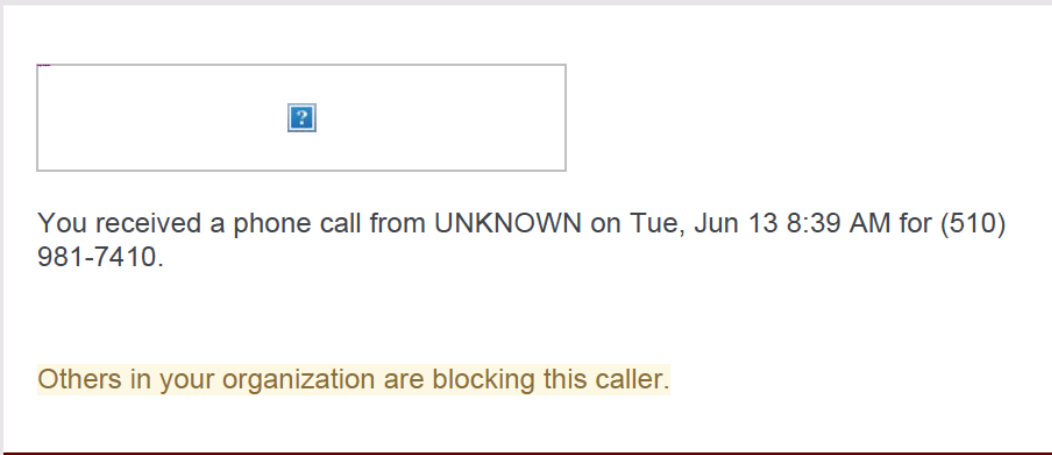
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From: [Sanford, David](#)
To: [Roe, Russell](#)
Subject: FW: Call From UNKNOWN at Tue, Jun 13 8:39 AM for (510) 981-7410, another anonymous comment on 705 Euclid, ZP2022-0104
Date: Tuesday, June 13, 2023 1:52:23 PM
Attachments: [579 - 604](#)

Internal

From: voicemail@cityofberkeley.info <voicemail@cityofberkeley.info>
Sent: Tuesday, June 13, 2023 8:43 AM
To: Sanford, David <DSanford@berkeleyca.gov>
Subject: Call From UNKNOWN at Tue, Jun 13 8:39 AM for (510) 981-7410



You received a phone call from UNKNOWN on Tue, Jun 13 8:39 AM for (510) 981-7410.

Others in your organization are blocking this caller.

Message

Good morning zoning board calling regarding the property at 705 Euclid good Tuesday morning calling to me that maybe outside the purview of zoning, but of the residential design, I want to refer you all to the sleep studies of Matthew Walker. I believe he's at U C S F and the natural biological needs. The organising on the human organism for healthy sleep, which is an epidemic of poor quality sleep and the result and inefficiency and disease and accidents and things that happened because of bad sleep, we need darkness and we need coolness in order to sleep well and the building design with the front facing bedrooms, you know, I realize that this is you know, it's an ego project. It is not designed with the comfort of the residence or compliment to the neighbourhood or consideration even for the neighborhood. It's just a really a brutal assault of a design of a glass box that's

a masculine ego problem. This could be a beautiful tree house design it could have a Cliff dweller kind of a flavor to it. I could have you know, there's no consideration for the habitat that's being lost in terms of planting around because the orientation is poor the patio off the kitchen with with the North sort of a northern face exposure onto a public pathway and onto the looming over Lords in the in the house above, you know looking down out of their windows into their private space. It's all very poorly design that will gather dust and create what Eddie's it's in Chateau for the time of the year, when you might want the most son in the winter. It's a very bad design. It's it is absolutely and assault to this neighborhood onto berkeley's reputation for Ecology and visionary of activism and and you know graceful Architecture. It's really an insult and it's also too much square footage, you know, I think I guess it's just the money thing for for the city at this point and you know, that's that's a it's a shame if this project proceeds as it is it's a it's a it's a shame and a scar and a blight on all future projects in the city for a residence. It's a it's a very bad precedent to set here blessings have great day.

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City Clerk Department

June 14, 2023

Heather Sanders (on behalf of Yoshiko Wada)
1904 Franklin Street, #310
Oakland, CA 94612

RE: 705 Euclid Avenue – Appeal ZAB Decision Use Permit # ZP2022-0104

Dear Appellant:

This will acknowledge receipt of your appeal of the Zoning Adjustments Board decision of April 27, 2023, approving the following permits:

- Use Permit for a new single-family dwelling, under Berkeley Municipal Code (BMC) Section 23.202.020(A)
- Administrative Use Permit to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone, under BMC Section 23.210.020
- Administrative Use Permit to construct two parking spaces in a required front setback, under BMC Section 23.322.080
- Administrative Use Permit to construct an accessory structure (backyard retaining walls) encroaching into a required setback, under BMC Section 23.304.070(B)

Your appeal has been referred to the Planning Department.

The Planning Department will transmit to Council a statement setting forth the reasons for the Zoning Adjustments Board decision. This report, as well as a copy of the appeal, will appear on the Council agenda of **September 26, 2023**.

This meeting of the Council will commence at 6:00 p.m. and will be held in the School District Board Room located at 1231 Addison Street. The meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.

Pursuant to the City Council Rules of Procedure, this appeal will appear on the City Council's agenda as a public hearing. Time shall be provided for five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants collectively shall have five minutes to comment and the applicant shall have five minutes to comment. Where the appellant is the applicant, the

RE: 705 Euclid Avenue – Appeal ZAB Decision Use Permit # ZP2022-0104 Page 2

applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment.

After the conclusion of the five-minute comment periods, members of the public may comment on the appeal pursuant to the Rules of Procedure in effect for the Council meeting.

The Council will then deliberate and determine to do one of three things: 1) continue the public hearing; 2) based on the record of the Council's consideration and hearing, reverse or affirm, wholly or partly, or modify any decision, determination, condition or requirement of the Board's original action; or 3) remand the matter to the Board to reconsider the application, or any revisions thereto submitted after the Board's action.

Communications to the City Council that are received by the City Clerk pursuant to the following deadlines will be accepted and distributed as follows:

Submission Deadline	Distributed	Packet
September 13, 2023, by 5:00 p.m. (Wednesday)	Eight days before the meeting (Monday)	Agenda Packet
September 25, 2023, 12:00 p.m. (Monday)	By 5:00 pm the day before the meeting (Monday)	Supplemental 2

Communications should be submitted directly to the City Clerk to ensure receipt by all Councilmembers. Electronic communications may be submitted to council@berkeleyca.gov for immediate distribution to the Mayor, each City Councilmember, and the City Clerk for inclusion in the official record. Please note that for communications submitted in hardcopy, if the communication includes maps or photos or any other material not reproducible on a copy machine, fifteen copies should be provided to the City Clerk.

Please note that Berkeley's Lobbyist Registration Act (Berkeley Municipal Code Chapter 2.09) is effective beginning on January 1, 2020. Information and resources regarding the Lobbyist Registration Act are available from the City's website at: <https://berkeleyca.gov/your-government/lobbyist-registration>

If you have any additional questions regarding this matter, please do not hesitate to contact me at (510) 981-6908.

A copy of the staff report and a City Council agenda will be available from this office upon request after 4:00 p.m. on Monday, September 18, 2023 or can be viewed on our website at: <https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

RE: 705 Euclid Avenue – Appeal ZAB Decision Use Permit # ZP2022-0104

Page 3

Sincerely,



Mark Numainville
City Clerk

cc: Jordan Klein, Director of Planning
Steven Buckley, Land Use Planning Manager
Russell Roe, Staff Planner
Farimah Brown, City Attorney
John Newton (Applicant)
Tarek and Michel Khoury (Owner)
Heather Sanders-Jacob (Interested Party)

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) Pursuant to Government Code Section 66020(d)(1), the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period. 3) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

From: [Sanford, David](#)
To: [Roe, Russell](#)
Subject: FW: Call From UNKNOWN at Wed, Jun 14 9:18 AM for (510) 981-7410, another anonymous 705 Euclid comment
Date: Thursday, June 15, 2023 10:50:07 AM
Attachments: [Screenshot](#)

Internal

From: voicemail@cityofberkeley.info <voicemail@cityofberkeley.info>
Sent: Wednesday, June 14, 2023 9:22 AM
To: Sanford, David <DSanford@berkeleyca.gov>
Subject: Call From UNKNOWN at Wed, Jun 14 9:18 AM for (510) 981-7410



You received a phone call from UNKNOWN on Wed, Jun 14 9:18 AM for (510) 981-7410.

Others in your organization are blocking this caller.

Message

Good morning zoning board. This message is regarding 705 Euclid and the plans there on I am concerned about a efficiency of solar panels up here on the fog belt and whether they will be able to power the requirements for this household which is by my brief conversations the implication is that there's a lot of electronic window things and blinds and different things happening along with an elevator have the plans here. I'm concerned about you know what they are actually creating is being created out of the ignorance of this Micro climate up here. I understand solar panels have only about an 80% efficiency rate when they are overcast to which it often is up here when it's sunny where these people live presently in Albany so they may be a little bit deceived about conditions in this place and I know they haven't spent time here, but have instead referred to apps on their phones to

understand how the sun tracks over their property. It's just insane to me, maybe they don't intend to live there. That might be another thing that they are just doing a spec health collaborative spec house, which is too bad cause it's and assault on the neighborhood is have communicated and along with that this concern about solar panels, which are not included on the plans. I am concerned that if there's any more height added especially to that little peek over the elevator. It's gonna block my view of the Richmond San Rochelle Bridge, which is my favorite Bridge and that would be absolutely intolerable to me and I don't want glare off solar panels. Either. So anyway that this property being undeveloped needs extreme consideration for Amelia ration, not just mitigation but but actually improving the habitat that it's taking so it could be pollinate or habitat on the Green roof, you know all kinds of great design ideas, but it's my understanding that these people are really just pushing this terrible terrible ugly block build through and they're trying to do that somehow with somebody is approval up there and you know, it's really insensitive so I'm not really looking forward of these people as neighbors because of how they are behaving presently. So I hope that there will be some new consideration offered and we'll look forward to September have great days.

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From: [Sanford, David](#)
To: [Roe, Russell](#)
Subject: FW: Call From UNKNOWN at Thu, Jun 15 3:49 PM for (510) 981-7410, another anonymous 705 Euclid communication
Date: Friday, June 16, 2023 2:49:14 PM
Attachments: [Screenshot](#)

Internal

From: voicemail@cityofberkeley.info <voicemail@cityofberkeley.info>
Sent: Thursday, June 15, 2023 3:55 PM
To: Sanford, David <DSanford@berkeleyca.gov>
Subject: Call From UNKNOWN at Thu, Jun 15 3:49 PM for (510) 981-7410



You received a phone call from UNKNOWN on Thu, Jun 15 3:49 PM for (510) 981-7410.

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Message

Good Thursday afternoon zoning board message regarding 705 Euclid. I understand of course that it's not up to you to determine the Sterling characters of the people who you know our neighbors to each other in the city, but I do want to communicate again. That there has been significant trespass onto my property because of chairs set up on that empty lot by the quarries Michelle Cory. The dad indicated that he had every intention to leave those chairs there as long as people wanted to use them. They have contributed to degradation. Frankly of my lift experience here because all the years decades that that lot has been vacant. Nobody has trust passed across there with the consistency that has happened making an actual Trail onto the back part of my property here and it. Frankly reflects quite adequately the energy that those two men Michelle and his son torque have

brought to my home and my life with this you know coming around to get signed off on plans and I when I met Target Corey to discuss the plans I indicated to him three times. This is stranger to me and I ended welcomed him. I told her I want to I told him I want you to know you're welcome here and and I said I'm also I am not a neighbor to drop by do not come by my house three times and different ways. I said to him do not come by my house unless it's an emergency that you cannot get handled some other way or that that is going to impact me. I am not a drop by neighbor and multiple times he and his dad have endeavored to push their way onto this property here where I live and I it is so reflective of the energy that they are bringing this violent building this giant oversized monstrosity, you know, and frankly the trespassing has got to stop or there's going to be some other kind of a consequence for them. So if they need to put a fence up then they need to put a fence up, but it's got to stop that people strangers or then whoever is coming across this property and they need to clear up that pile of dry sticks that is a fire hazard that I've had to do testing on my property in order to meet the code for the fire department and yet there is this huge pile of dry sticks out there on their lot. So, I don't know who I need to talk to to get something done here. But this is nonsense and whatever criminal activity of thousands of dollars. It might take to get your plans passed in a place like this but this is all so much violation of City codes that are here to protect the privacy and the space of these you know and you can go ahead and think that we're all whiners up here and spoiled and whatever else, but the fact is there codes that protect the privacy. The light the air and the size of residence is in this area. So I would like some human man or woman to stand up for what's true and right and put these people in line, frankly, it would be better in Ia this design is a nice Ia Canyon thing or maybe overload by the Claremont, but it is not in North Berkeley design and I'm born and bred right here. So you know you're going to hear about it and there needs to be some change and there needs to be some response to what I'm communicating about what's happening right now because of that property and the people who have taken it over blessings have blessed weekend. I hope you all get outside and enjoy some Sunshine and leave your phones at home and you know get away from screens and stuff. So that you can get back to Sandy instead of worrying about money as the primary focus blessings.

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Via Email

July 5, 2023

City Council
c/o City Clerk
2180 Milvia Street, 1st floor
Berkeley, CA 94704
(510) 981-6900
clerk@cityofberkeley.info

**Re: ERRATA to Appeal from approval of AUP for 705 Euclid Avenue
(ZP2022-0104)
Notice of Decision dated April 27, 2023, and mailed May 9, 2023**

Dear Members of City Council:

I write to correct the factual record of this appeal. In my May 23, 2023, letter appealing the City Council's decision, I mistakenly asserted that Theodore Raphael initially approached the ZAB in person during the meeting of April 27, 2023. In fact, he attended the entire meeting virtually by zoom.

Theodore Raphael attended the entire meeting online; he raised his "Zoom hand" to speak on the approval of AUP for 705 Euclid, was recognized by the chair, requested to speak, and the chair then placed him in the queue for public speakers to be recognized later in the hearing. The ZAB then never afforded him the opportunity to be heard.

Regards,



Shona Armstrong

cc:City of Berkeley
Zoning Adjustments Board & Russel Roe, Assoc. Planner
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