



Office of the City Manager

26

PUBLIC HEARING
February 22, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: ZAB Appeal: 1527 Sacramento Street, Administrative Use Permit #ZP2020-0034

RECOMMENDATION

Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2020-0034 to: 1) add a 520 square-foot two-story addition with an average height of 21 feet 9 inches at the rear of the existing building; 2) add a major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub, on a 2,783 square-foot lot that contains a one-story 824-square-foot single-family dwelling, and dismiss the appeal.

FINANCIAL IMPLICATIONS

None.

CURRENT SITUATION AND ITS EFFECTS

On April 28, 2020, Jason Kaldis (“Applicant”) submitted an application for an Administrative Use Permit (AUP) to remodel and expand a single-family home located at 1527 Sacramento Street.

The applicant shared the plans with the owners and occupants of five of the seven neighboring properties in-person in early March 2020. The applicant sent plans to the neighbors at 1529 and 1525 Sacramento Street via certified mail in early April 2020.

On May 13, 2020, staff received a letter from the owners of 1529 Sacramento Street stating concerns that are similar to their appeal points listed below. Staff met via videoconference with the owners of 1529 Sacramento Street and the daughter of the owner of 1525 Sacramento Street in June 2020 to discuss their concerns and the AUP process. Staff met with the owners of 1529 Sacramento Street and two of the family members of the owner of 1525 Sacramento Street for a site visit at their properties in August 2020, and the Land Use Planning Manager met with them in November 2020. The owners of 1529 Sacramento Street and two of the family members of the owner of 1525 Sacramento Street also submitted written questions and concerns, to which staff provided responses.

On June 14, 2021, the Notice of Administrative Decision was issued by the Zoning Officer, initiating a 20-day appeal period. On July 2, 2021, Joyce Lewis filed an appeal of the Zoning Officer's decision on behalf of Sterling Lewis of 1525 Sacramento Street and his family. On July 6, 2021, Micah and Michele Liedeker of 1529 Sacramento Street filed an appeal of the Zoning Officer's decision.

On September 23, 2021, the Zoning Adjustments Board (ZAB) conducted a public hearing for the appeal of the Administrative Use Permit. After hearing public comments and holding discussion, and adding Condition #11 (construction schedule must be shared with the neighbors at 1525 and 1529 Sacramento Street), the ZAB approved the Administrative Use Permit and dismissed the appeal by a vote of 8-0-0-1 (Yes: Duffy, Kahn, Kim, Gaffney, Olson, Thagard, Thompson, Tregub; No: None; Abstain: None; Absent: O'Keefe).

On September 30, 2021, staff issued the notice of the ZAB decision, and on October 13, 2021, an appeal of the ZAB decision was filed with the City Clerk by Joyce Lewis, daughter of Sterling Lewis, the owner of 1525 Sacramento Street. The Clerk set the matter for review by the Council on February 22, 2022.

On or before February 8, 2022, staff posted the public hearing notice at the site and two nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area. The Council must conduct a public hearing to resolve the appeal.

PROJECT DESCRIPTION

The subject property is located on the east side of Sacramento Street, between Rose Street and Cedar Street; the rear of the lot faces Buena Avenue. The project site is rectangular, with a 25-foot wide lot line along Sacramento Street and 111-foot lot depth. The parcel is currently developed with an 824 square-foot, one-story single-family dwelling with a covered porch at the front of the lot and an uncovered deck at the rear along the south side property line. The parcel is non-conforming to current zoning standards in terms of minimum lot size, lot coverage, and building setbacks from the front (west) and right (right) side property lines. There is a garage along the right rear (southeast) corner of the lot, which is accessed from Buena Avenue.

The proposed project is a 564 square-foot addition, consisting of a 520 square-foot second floor addition and a 44 square-foot first floor addition at the rear of the existing residence. The existing average building height is 12 feet 3 inches. With the addition, the new average height would be 21 feet 9 inches. The existing dwelling has two bedrooms and one bathroom; with the addition, two bedrooms and a bathroom would be provided on the second floor and a portion of the first floor would be converted to a family room.

A hot tub would be added to the rear yard, 1 foot 6 inches from the north (left) property line and 7 feet from the rear property line. The storage shed attached to the garage

would be removed to bring the total lot coverage into compliance with zoning standards (maximum 40 percent coverage allowed). The existing front porch was enclosed around 2015 and is located within the required 20-foot front yard. The enclosure would be legalized with this zoning permit and recognized with a subsequent building permit.

BACKGROUND

At the September 23, 2021 ZAB hearing, the ZAB added Condition of Approval #11:

11. Prior to project construction, the Project Liaison shall email the construction schedule to the neighbors at 1525 and 1529 Sacramento Street, and offer to meet with them to discuss the construction procedures and schedule. City Planning Staff shall be copied on the email.

The issues raised in the appellant's letters and staff's responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety. Please refer to the attached appeal letters (Attachment 2, parts 1 and 2) for the full text.

The letter and petition that accompanies the appeal letter was originally submitted to the City on August 18, 2020. The six appeal points listed below are from page 7 of the appeal letter. After submitting the appeal letter on October 13, 2021, the appellant sent an addendum to the appeal letter raising four points, and attaching the appeal letter submitted on July 6, 2021 by Micah and Michele Liedeker, and Joyce Lewis' talking points for her presentation at the September 23, 2021 ZAB meeting.

Appeal Letter

Issue #1: No adjustments or suggestions were made by ZAB to protect the use, enjoyment, property rights, or adverse impact of the addition on the neighbors at 1525 and 1529 Sacramento Street.

Response: The project approved by ZAB conforms to the development standards of the R-1 district, including residential density, lot coverage, useable open space, and setbacks. New windows will be installed along all building elevations, but the new windows will be outside of required setbacks. Most of the new windows at the first floor will be located in the same general places as existing windows, with limited new impacts to the privacy of neighbors. The proportions, setbacks, and roof slopes of the addition maintain the character of the existing property and surrounding neighborhood. Further, the proposed addition will not create detrimental air, views, or light impacts (see Findings and Conditions, included as Exhibit A to the resolution). ZAB added a Condition of Approval to require the project liaison (often the owner, architect, or contractor) to email the construction schedule to the neighbors at 1525 and 1529 Sacramento Street, and to offer to meet with them to discuss the construction procedures and schedule, in order to mitigate their concerns about noise and dust. ZAB considered and discussed the evidence presented at the hearing, and acted within its

purview to approve the proposed project. Therefore, staff recommends Council dismiss this appeal point.

Issue #2: Applicant mistakenly stated that neighbors at 1525 and 1529 Sacramento Street were unwilling to compromise.

Response: The appellants contend that they are willing to compromise, but they have not indicated that they would support a modified second-story addition. The appellant has stated that the applicant should not add a second story, and should instead seek a variance to exceed the lot coverage in order to add a one-story addition.

Administrative Use Permits apply to the height of the addition, the size of the addition, alterations to the front porch in the non-conforming front setback, and the addition of a hot tub. The existing average building height is 12 feet 3 inches. With the addition, the new average height will be 21 feet 9 inches, less than the average height limit of 28 feet. The project is a major residential addition because more than 15 percent of the lot area will be added. The 564 square-foot addition consists of a 520 square-foot second floor addition setback approximately 35 feet from the front property line, and a 44 square-foot first floor addition at the rear of the existing residence. The existing front porch was enclosed around 2015 and is located within the required 20-foot front yard. The enclosure would be legalized with an Administrative Use Permit and established with a subsequent building permit. The project approved by ZAB conforms to the development standards of the R-1 district, and meets the findings for non-detriment as described in the findings and conditions (Exhibit A). Staff recommends the Council dismiss this appeal point.

Issue #3: The shadow study submitted by the applicant is vague and ambiguous, and there are not explicit details on the extent of shading on each window.

Response: The shadow studies prepared by the applicant comply with the City's [instructions](#). The proposed project meets the development standards of the district and the shadows caused by the proposed addition are normal for an urbanized area. Because the impacts would occur on limited areas and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition would not result in a significant loss of direct sunlight on abutting residences, and the shading impacts were not deemed detrimental. Staff recommends the Council dismiss this appeal point.

Issue #4: Staff did not provide an honest and thorough analysis of BMC Section 23.406.030.F (formerly Section 23B.28.050¹).

¹ The prior Zoning Ordinance was in effect at the time this application was deemed complete and was heard by ZAB. The version of the BMC Title 23, Zoning Ordinance, that was in effect at the time this application was deemed complete is available online:

Response: The required findings under BMC Section 23.406.030.F.1² are based on the broad land use regulatory (“police”) powers of all cities and counties and those terms (health, safety, and welfare) are not defined in the BMC. The appellants draw a connection between the health, safety, and peace of the residents of 1525 Sacramento Street and 1529 Sacramento Street and negative aspects of construction, and the proposed addition. The City has interpreted health, safety and welfare to mean access to sunlight, air, and privacy, which are analyzed in the Findings and Conditions (Exhibit A). Construction impacts, such as noise and dust, are addressed in the City’s Standard Conditions of Approval. ZAB also added a condition of approval to assuage concerns about construction impacts. Staff believes that the Finding under BMC Section 23.406.030.F.1 can be made, and thus recommends the Council dismiss this appeal point.

Issue #5: The proposed addition will lead to adverse economic impacts for the resident of 1525 Sacramento Street, including higher energy bills due to increased shadows, more caregiving services to help the occupant in lower light conditions, the need to install skylights to provide more light, and solar cells to offset increased energy costs. These economic impacts will be an unconstitutional “taking.”

Response: The economic concerns listed in the appeal letter do not address the findings made by the ZAB regarding the proposed project. Takings jurisprudence arises from the Fifth Amendment to the United States Constitution, and provides that no private property can be taken *for public use* without the payment of just compensation. There are many different types of takings (physical invasions of property, regulatory takings that restrict the use of property, or land use exactions such as easements), none of which are applicable to the effect of this project upon neighboring parcels. The Zoning Officer, the ZAB, and City Council must base the decision to approve or deny a project on the required findings in the BMC. A project cannot be denied or approved based on speculation, unsubstantiated opinions, or the level of support or opposition of various parties regarding its potential economic impacts. Staff recommends the Council dismiss this appeal point.

Issue #6: The applicant has refused to modify the project to address increased shadows, and loss of heat and natural light for 1525 Sacramento Street.

[https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Zoning_Ordinance_Revision_Project_\(ZORP\).aspx](https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Zoning_Ordinance_Revision_Project_(ZORP).aspx)

² 1. To approve an AUP, 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.

Response: The existing average building height is 12 feet 3 inches. With the addition, the new average height will be 21 feet 9 inches, below the limit of 28 feet. When the project was first submitted in April 2020, the proposed maximum ridge height was 23 feet 4 ¾ inches; the project was revised and resubmitted in August 2020, with a maximum ridge height of 22 feet 9 inches, 7 ¾ inches lower than originally proposed. Furthermore, when the project was originally submitted, the right (south) setback for the area of the addition was 2 feet 1 3/8 inch, the same as the existing house (which is allowed with an Administrative Use Permit to extend a non-conforming setback, per BMC Section 23.324.050(D)(2)). The proposal was revised in August 2020 to meet the 3-foot setback, which complies with the requirement in BMC Section 23.304.030(B). The proposed project otherwise meets the development standards of the district, and the shadows caused by the proposed addition are normal for an urbanized area. Because the impacts would occur on limited areas and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition would not result in a significant loss of direct sunlight on abutting residences, and the shading impacts were not deemed detrimental. Staff recommends the Council dismiss this appeal point.

Addendum to the ZAB Appeal

Issue #1: The architect's response to the July 6, 2021 appeal letter was received on September 13, 2021, only ten days before the ZAB meeting, and did not answer the appellants' questions about shadows.

Response: The appellants (1525 and 1529 Sacramento Street) have shared several concerns related to the shadow studies prepared by the applicant throughout the application process, and staff and the applicant have responded to those concerns in emails, letters, the ZAB staff report, and this Council report. In the addendum to the appeal of the ZAB decision, the appellants state that they would like to know the percentage of light lost to specific windows, and the hours per day, and the days per year that the windows would be affected. The appellants state that they need this specific data so that they have more information on potential economic loss.

The shadow studies prepared by the applicant comply with the City's [instructions](#). The shadows caused by the proposed addition are normal for an urbanized area. 1525 Sacramento is adjacent to the north of 1527 Sacramento, and it is set back approximately 5 feet from the shared property line. The potential impacts are summarized as follows:

- Two hours after sunrise on the winter solstice (December 21), shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover a window in the living room, front bedroom, closet, bathroom window, and two bedrooms near the rear.

- At noon on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover windows in a closet, bathroom, and six bedroom windows near the rear.
- Two hours before sunset on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover two bedroom windows near the middle of the house, and cover one quarter of the last bedroom window at the rear of the dwelling.
- At noon on March 13 (representative of the application date), shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover half of a bedroom window at the front of the house, windows in a closet, bathroom, and two bedroom windows near the middle of the house.

The shading impacts were not deemed detrimental by the Zoning Officer or ZAB. Therefore, staff recommends the Council dismiss this appeal point.

Issue #2: ZAB did not require mediation, and only asked the applicant, and not the appellants, whether mediation was pursued.

Response: Mediation is not required by Title 23 of the BMC when there is a conflict between parties.³ ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends Council dismiss this appeal point.

Issue #3: Staff has stated in emails that they do not analyze BMC Section 23.406.030(F) (formerly Section 23B.28.050) regarding health, safety and welfare.

Response: In emails exchanged between staff and the appellants in July of 2020, staff explained that although the Finding under BMC Section 23.406.030(F) (see footnote 2 on page 4 of this report) contains the word “health,” “health” is not defined in the BMC. Because the use is conforming, i.e., a residential addition in a residential district, it is considered innocuous in the larger scheme of land use planning (as opposed to introducing an industrial use in a residential district, for example). Staff believes that the Finding under BMC Section 23.406.030(F)(1) can be made, and thus recommends the Council dismiss this appeal point.

³ BMC Section 23.404.050(F)(1) *After the close of public hearing, the review authority shall either approve, modify, or deny the application; continue the hearing to a future date; or refer the application to a mediation or conflict resolution service.*

Issue #4: The addition will have economic impacts for neighbors, such as decreased property values.

Response: Analysis of the potential economic impact of a small residential project is not required by the BMC. A project cannot be denied or approved based on speculation, therefore staff recommends Council dismiss this appeal point.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project approved by the ZAB is in compliance with all applicable State and local environmental requirements, would be located in a transit-rich area, and would be built and operated according to current codes for energy conservation, waste reduction, low toxicity, and other factors.

RATIONALE FOR RECOMMENDATION

The ZAB considered all of the information received from staff, the applicant, the appellants, and the neighbors, and determined that the project is consistent with the zoning ordinance and applicable policies of the General Plan, and would not result in detrimental impacts to residents, adjacent properties, the surrounding area, or to the general welfare of the city.

Staff believes that the ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. None of the issues raised on appeal are different from those raised at the ZAB hearing, and no new evidence or argument would dispute the reasoned findings of the ZAB. Therefore, staff recommends that the City Council uphold the ZAB decision to approve the second-story addition with an average height of 21 feet 9 inches, legalize the enclosure of the front porch in the non-conforming front setback, and add an unenclosed hot tub, with the ZAB-approved condition of approval related to notification of neighbors regarding the construction schedule.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

Action Deadline:

Pursuant to BMC Section 23.410.040(I), if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSONS

Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Steven Buckley, Land Use Planning Manager, (510) 981-7411
Allison Riemer, Project Planner, (510) 981-7433

Attachments:

- 1: Resolution
 - Exhibit A: Findings and Conditions
 - Exhibit B: Project Plans, dated April 27, 2021
- 2: Appeal Letters, received October 13, 2021
- 3: ZAB Staff Report, dated September 23, 2021
- 4: Index to Administrative Record
- 5: Administrative Record
- 6: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

UPHOLD THE ZONING ADJUSTMENTS BOARD (ZAB) DECISION TO APPROVE ADMINISTRATIVE USE PERMIT #ZP2020-0034 TO ADD 1) A 520 SQUARE FOOT SECOND-STORY ADDITION WITH AN AVERAGE HEIGHT OF 21 FEET 9 INCHES AT THE REAR; 2) A MAJOR RESIDENTIAL ADDITION OF MORE THAN 15 PERCENT OF THE LOT AREA, INCLUDING 44 SQUARE FEET AT THE FIRST FLOOR; 3) LEGALIZE THE ENCLOSURE OF THE FRONT PORCH IN THE NON-CONFORMING FRONT SETBACK; AND 4) ADD AN UNENCLOSED HOT TUB, ON A 2,783 SQUARE-FOOT LOT THAT CONTAINS A ONE-STORY 824-SQUARE-FOOT SINGLE-FAMILY DWELLING, AND DISMISS THE APPEAL

WHEREAS, on April 28, 2020, Jason Kaldis (“Applicant”) submitted an application for an Administrative Use Permit (AUP) to remodel and expand a single-family home located at 1527 Sacramento Street; and

WHEREAS, on June 14, 2021, staff deemed this application complete and determined that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under Section 15301 (“Existing Facilities”) of the CEQA Guidelines; and

WHEREAS, on June 14, 2021, the Notice of Administrative Decision was issued by the Zoning Officer, initiating a 20-day appeal period. On July 2, 2021, Joyce Lewis filed an appeal of the Zoning Officer’s decision on behalf of Sterling Lewis of 1525 Sacramento Street and his family. On July 6, 2021, Micah and Michele Liedeker of 1529 Sacramento Street filed an appeal of the Zoning Officer’s decision; and

WHEREAS, on September 23, 2021, the Zoning Adjustments Board (ZAB) conducted a public hearing for the appeal of the Administrative Use Permit. After hearing public comments and holding discussion, and adding Condition #11 (construction schedule must be shared with the neighbors at 1525 and 1529 Sacramento Street), the ZAB approved the Administrative Use Permit and dismissed the appeal by a vote of 8-0-0-1 (Yes: Duffy, Kahn, Kim, Gaffney, Olson, Thagard, Thompson, Tregub; No: None; Abstain: None; Absent: O’Keefe); and

WHEREAS, on September 30, 2021, staff issued the notice of the ZAB decision, and on October 13, 2021, an appeal of the ZAB decision was filed with the City Clerk by Joyce Lewis, daughter of Sterling Lewis, the owner of 1525 Sacramento Street. The Clerk set the matter for review by the Council on February 22, 2022; and

WHEREAS, on or before February 8, 2022, staff posted the public hearing notice at the site and two nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area; and

WHEREAS, on February 22, 2022, the Council held a public hearing to consider the ZAB's decision, and, in the opinion of this Council, the facts stated in or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council hereby adopts the findings for approval made by the ZAB in Exhibit A, affirms the decision of the ZAB to approve Use Permit #ZP2020-0034, and dismisses the appeal. Exhibits

A: Findings and Conditions

B: Project Plans, dated April 27, 2021

FINDINGS AND CONDITIONS
SEPTEMBER 23, 2021

1527 Sacramento Street

Administrative Use Permit #ZP2020-0034

On a 2,783 square foot lot that contains a one-story 824-square-foot single-family dwelling: 1) 520 square foot second-story addition with an average height of 21 feet 9 inches at the rear; 2) major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub.

PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition.
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition above 14 ft. in average height.
- Administrative Use Permit pursuant to BMC Section 23C.04.070.B to make alterations in a non-conforming yard.
- Administrative Use Permit pursuant to BMC Section 23D.08.060.C to add an unenclosed hot tub.

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

FINDINGS FOR APPROVAL

2. As required by BMC Section 23B.28.050.A, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - A. The subject property complies with BMC Section 23D.16.070 (R-1 Single Family Residential District Development Standards) for maximum residential density (one dwelling unit on the lot where only one is allowed), maximum lot coverage (39.9 percent

lot coverage where the maximum allowed is 40 percent), and usable open space (over 400 square feet where a minimum of 400 square feet is required). The second-story addition is setback approximately 35 feet from the front lot line and approximately 44 feet from the rear lot line (20 is required for each). Because this lot is less than 40 feet in width, the minimum setback from the side lot lines is three feet per BMC Section 23D.16.070.D.2, and the second-story addition will be setback 4 feet 3 inches from the north side lot line, and 3 feet from the south lot line.

- B. The site complies with BMC Section 23D.16.080 (Parking) by providing a required off-street parking space within the detached garage where one space (covered or uncovered) is required.
 - C. The existing average building height is 12 feet 3 inches. With the addition, the new average height will be 21 feet 9 inches. When the project was first submitted in April 2020, the proposed maximum ridge height was 23 feet 4 $\frac{3}{4}$ inches; the project was revised and resubmitted in August 2020, with a maximum ridge height of 22 feet 9 inches, 7 $\frac{3}{4}$ inches lower than originally proposed. Furthermore, when the project was originally submitted, the right (south) setback for the area of the addition was 2 feet 1 $\frac{3}{8}$ inch, the same as the existing house (which is allowed with an Administrative Use Permit to extend a non-conforming setback, per BMC Section 23C.04.070.B). The proposal was revised in August 2020 to meet the 3-foot setback, which complies with the requirement in BMC Section 23D.16.070.D.2.
 - D. The existing front porch was enclosed around 2015 and is located within the required 20-foot front yard. The enclosure will be legalized with this Administrative Use Permit and established with a subsequent building permit.
 - E. New windows will be installed along all building elevations, and the new windows will be outside of required setbacks. Most of the new windows at the first floor will be located in generally the same place as existing windows. Therefore, there will be limited impacts to the privacy of neighbors.
 - F. The hot tub will be at the left rear corner of the lot. The unenclosed hot tub will not affect the neighbor's privacy because it will be 14 feet 9 inches from the closest neighbor at 1517 Buena Avenue. The mechanical equipment and pump for the hot tub will be enclosed under the tub. Operation is subject to Conditions of Approval #31 – 34 as well as the controls imposed under BMC Chapter 13.40 as it relates to maximum noise levels.
3. Pursuant to BMC Section 23D.16.090.B (Findings to Deny a Use Permit), the Zoning Officer finds that the residential addition would not unreasonably obstruct sunlight, air, or views for the following reasons:
- A. Sunlight: Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice. The studies show that the addition will create an incremental increase in shadows on three neighboring dwellings at 1529 Sacramento Street, 1525 Sacramento Street, and 1517 Buena Avenue, as follows:
 - Two hours before sunset on the summer solstice, shadows on the north side of the dwelling at 1529 Sacramento Street will increase slightly and reach half of the middle third of a rear bedroom window;
 - Two hours after sunrise on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover a window in the living room, front bedroom, closet, bathroom window, and two bedrooms near the rear;

- At noon on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover windows in a closet, bathroom, and six bedroom windows near the rear;
- Two hours before sunset on the winter solstice, shadows on the west side of the dwelling at 1517 Buena Avenue will slightly increase, but no windows will be affected.

Because the impacts to neighboring properties will occur on limited areas and will only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition will not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental.

- B. Air: The addition is found to be consistent with the existing development and building-to-building separation pattern in this R-1 neighborhood because the addition will be outside of all required setbacks and will not exceed height or story limits. Therefore, there will be no impacts to air circulation.
- C. Views: The addition would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23F.04.010 (Definitions). The neighborhood is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles, and the area includes mature vegetation which provides additional visual screening.
4. Pursuant to BMC Section 23C.04.070.B, the Zoning Officer finds that:
- A. Although the project would make alterations to the existing covered porch within the non-conforming front yard, the alterations may be authorized because the existing use of the property is conforming (single-family dwelling in the R-1 Single Family Residential District).
- B. The roof within the front setback will not exceed the existing average height limit.
- C. The alterations of the building will not further reduce the existing non-conforming front yard.
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STANDARD CONDITIONS

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

1. Conditions Shall be Printed on Plans

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

2. Applicant Responsible for Compliance with Conditions

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

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

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

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

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer.

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

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

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

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

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

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

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

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

9. Indemnification Agreement

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

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC Section 23B.28.050.D, the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison

_____ Name

_____ Phone #

11. Prior to project construction, the Project Liaison shall email the construction schedule to the neighbors at 1525 and 1529 Sacramento Street, and offer to meet with them to discuss the construction procedures and schedule. City Planning Staff shall be copied on the email.

Standard Construction-related Conditions Applicable to all Projects:

12. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required for all phases of construction, particularly for the following activities:
 - Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 510-981-7010, or 1947 Center Street, 4th floor, 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 510-981-7500, or 1947 Center Street, 3rd floor, for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

13. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
14. 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.
15. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
16. 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 in thickness and secured to the ground.
17. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. 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.
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
23. 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.
24. 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.

- 25. 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 CEQA Guidelines Section 15064.5 (e)(1). If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), 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.
- 26. 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.

Prior to Issuance of Occupancy Permit or Final Inspection:

- 27.** All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
- 28.** All landscape, site and architectural improvements shall be completed per the attached approved drawings received March 24, 2021, and April 27, 2021.

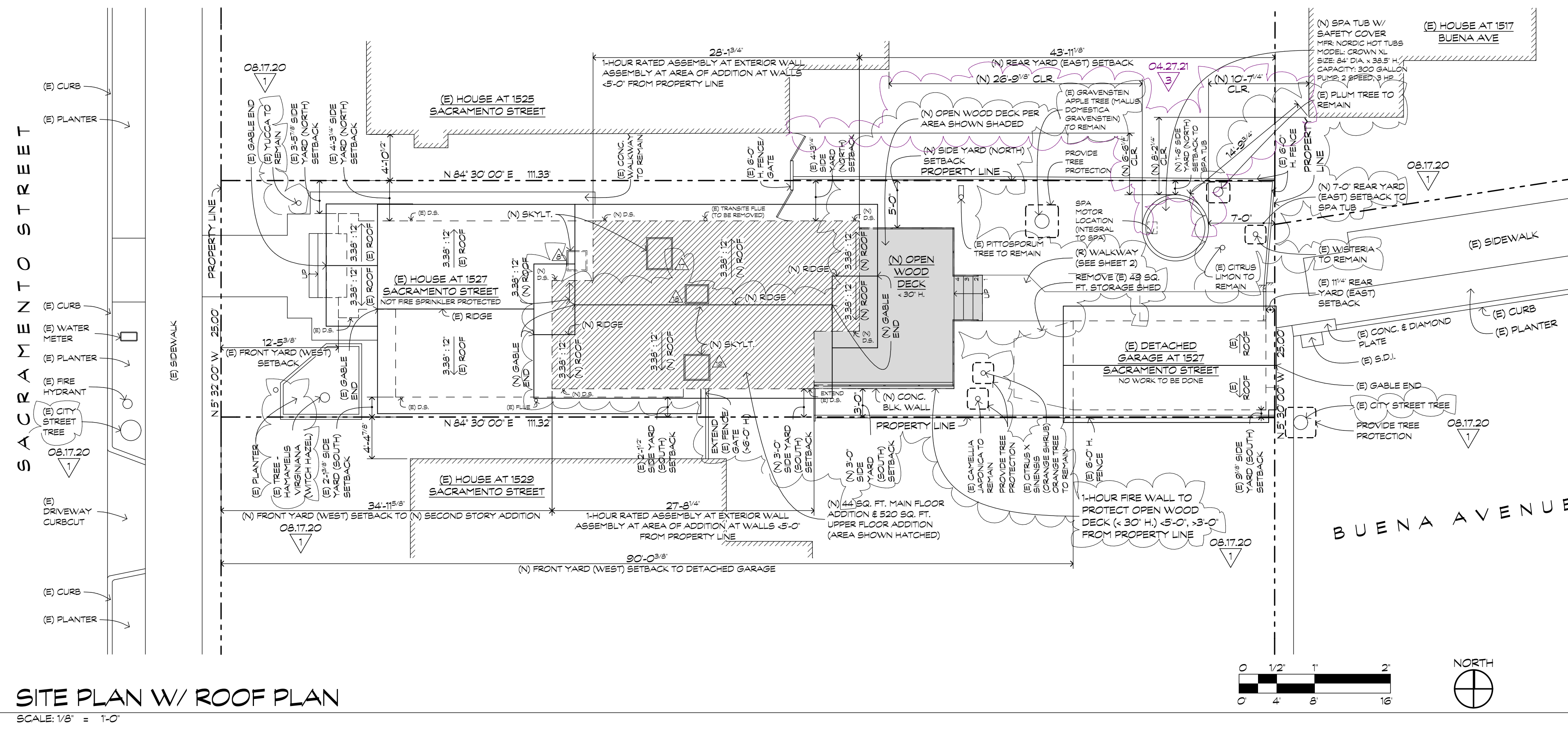
At All Times (Operation):

- 29.** 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.
- 30. 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.

31. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
32. The hot tub pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.
33. The hot tub shall be equipped with safety features in accordance with the California Building Code.
34. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.
35. Mechanical operation and use must adhere to the exterior noise standards of BMC Section 13.40.050.



Prepared by: Allison Riemer
Reviewed by: Samantha Updegrave, Zoning Officer



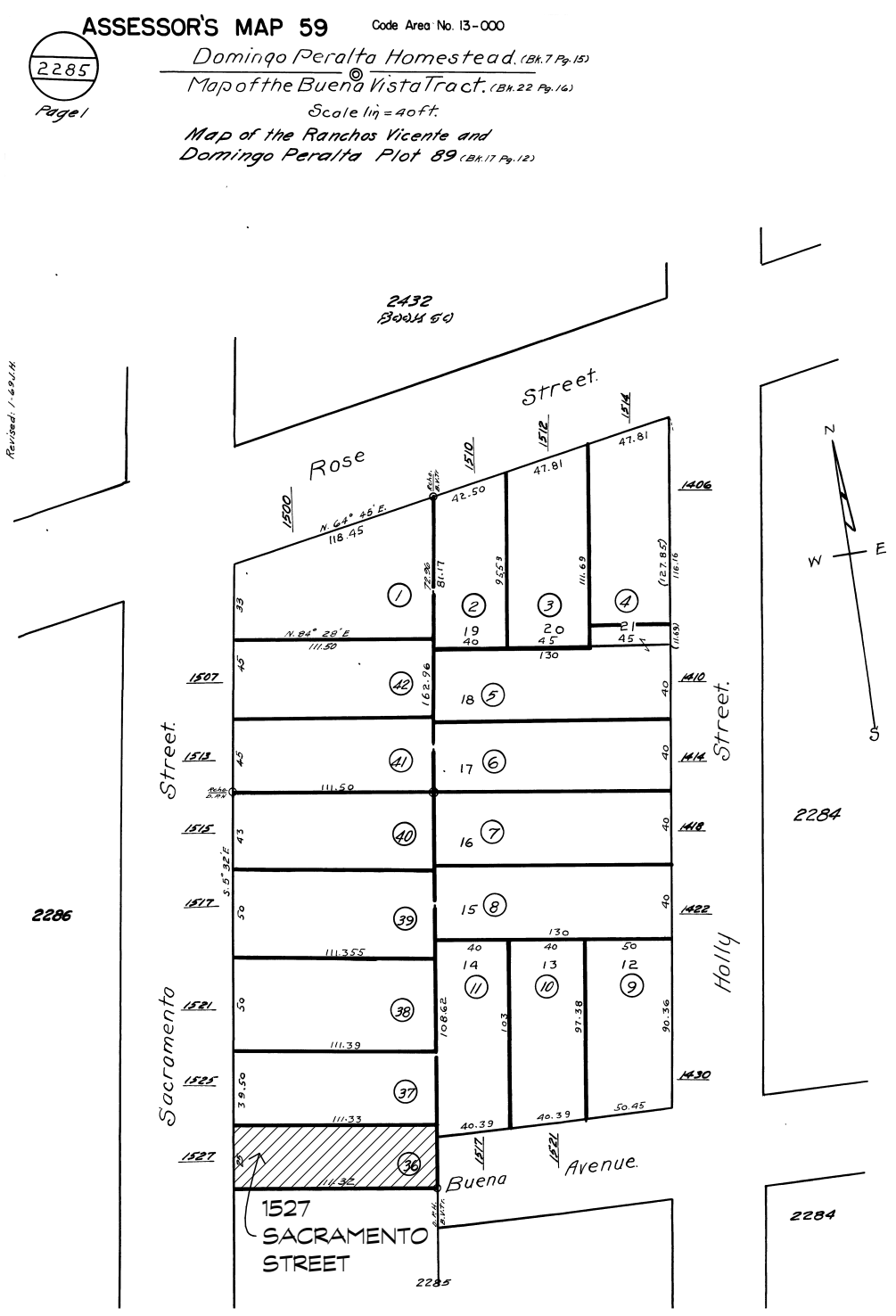
SITE PLAN W/ ROOF PLAN
SCALE: 1/8" = 1'-0"

BEST MANAGEMENT PRACTICES:

- BEFORE IT RAINS, MATERIALS ARE TO BE SWEEPED AND REMOVED FROM SURFACES THAT DRAIN TO STORM DRAINS, CREEKS OR CHANNELS. EXPOSED PILES OF SOIL, CONSTRUCTION MATERIALS AND WASTES ARE TO BE COVERED WITH PLASTIC SHEATHING OR TEMPORARY ROOFS TO PREVENT RUNOFF DURING PERIODS OF RAIN.
- DUMPSTERS, IF USED, SHALL BE COVERED WITH A TARP AT THE END OF EVERY DAY AND DURING WET WEATHER.
- ALL LEAKS, DRIPS, AND OTHER SPILLS ARE TO BE CLEANED UP IMMEDIATELY SO AS NOT TO CONTACT STORM WATER.
- PAVEMENT OR SURFACES WHERE MATERIALS HAVE SPILLED ARE NEVER TO BE WASHED DOWN. USE DRY CLEANUP METHODS WHEN EVER POSSIBLE. IF WATER MUST BE USED TO FLUSH PAVEMENT, RUNOFF IS TO BE COLLECTED TO SETTLE OUT SEDIMENTS AND PROTECT STORM DRAIN INLETS.
- VEHICLES OR EQUIPMENT ARE TO BE WASHED AT APPROPRIATE OFF-SITE LOCATIONS.
- ALL WASTES ARE TO BE DISPOSED OF PROPERLY. MATERIALS THAT CANNOT BE REUSED OR RECYCLED MUST BE TAKEN TO AN APPROPRIATE LANDFILL OR DISPOSED OF AS HAZARDOUS WASTE. DEBRIS IS NEVER TO BE THROWN INTO CHANNELS, CREEKS, OR WETLAND AREAS. DEBRIS IS NEVER TO BE STORED OR LEFT IN THE STREET OR NEAR A CREEK WHERE IT MAY CONTACT RUNOFF.
- PROTECT ALL STORM DRAIN INLETS IN VICINITY OF SITE USING SEDIMENT CONTROLS SUCH AS BERMS, FIBER ROLLS OR FILTERS.
- CONTRACTOR SHALL TRAIN AND PROVIDE INSTRUCTION TO ALL EMPLOYEES/ SUBCONTRACTORS RE: CONSTRUCTION BMPs

Name (printed)	Signature	Address	Renter / Owner	Date	Have no objections	Have objections (Please state briefly)	Have no comment
		1529 SACRAMENTO STREET					
Katherine + Jenna Booth	<i>Katherine Booth</i>	1528 SACRAMENTO STREET	OWNER	3/8/20	✓		
		1525 SACRAMENTO STREET					
SHARON KLEIN	<i>Sharon Klein</i>	1524 SACRAMENTO STREET	owner	3/14/20	✓		
Craig Wood	<i>Craig Wood</i>	1520 SACRAMENTO STREET	owner	3/12/20	✓		
Richard K Fas2HOLZ	<i>Richard K Fas2HOLZ</i>	1517 BUENA AVENUE	Owner	3/7/20	✓		
MAKLA PAS2HOLZ	<i>MAKLA PAS2HOLZ</i>	1517 BUENA AVENUE	owner	3/7/20	✓		
The owner has confirmed that all owners AND occupants signatures have been gathered for all neighbors at abutting and confronting lots.							
Owners Signature: <i>[Signature]</i>							
PAUL WIDES	<i>Paul Wides</i>	1518 BUENA AVENUE	OWNER	3/7/20	✓		
Vivian Psoang	<i>Vivian Psoang</i>	1518 BUENA AVENUE	owner	3/7/20	✓		

NEIGHBOR SIGNATURES
SCALE: 1" = 1'-0"



ASSESSOR'S PARCEL MAP
NOT TO SCALE

PARTIES INVOLVED

OWNER: ANNA TALAMO & JONATHAN LIPSCHUTZ
1527 SACRAMENTO STREET
BERKELEY, CA 94702
(510) 528-6856
berkeleyshimpr@gmail.com
atgroves@gmail.com

ARCHITECT: JASON KALDIS ARCHITECTS, INC.
1250 ADDISON STREET, STUDIO 210
BERKELEY, CA 94702
(510) 549-3584
(510) 549-3574 FAX
CONTACT: JASON OR JENNY
Jason@kaldisarchitect.com
JennyYu@kaldisarchitect.com

LAND SURVEYOR: ANDREAS DEAK
216 BUENA VISTA AVE
ALAMEDA, CA 94501
(510) 865-4289
CONTACT: ANDREAS
andreasdeak@yahoo.com

SCOPE OF WORK:

- REQUEST FOR:**
- AN AUP FOR A MAIN FLOOR ADDITION AND A NEW UPPER FLOOR SECOND STORY ADDITION RESULTING IN AN AVERAGE HEIGHT GREATER THAN 14'-0" H. AS ALLOWED PER SEC. 23D.16.0700
 - 564 SQ. FT. TOTAL (44 SQ. MAIN FLOOR LEVEL AND 520 SQ. FT. UPPER FLOOR LEVEL)
 - ADDITION TO THE REAR (EAST) AND SIDE (NORTH) YARD OF THE EXISTING HOUSE
 - AN AUP TO ADD AN UNENCLOSED NEW SPA/HOT TUB IN THE REAR YARD SETBACK AS ALLOWED PER SEC. 23D.08.0600
 - TO ENCLOSE THE EXISTING FRONT PORCH HORIZONTALLY EXTENDING THE LEGAL NON-CONFORMING FRONT SETBACK OF THE PORCH COLUMNS

DRAWING INDEX

- SHEET 1: SITE PLAN WITH ROOF PLAN @ 1/8" = 1'-0"
PARTIES INVOLVED
PROJECT DATA
SCOPE OF WORK
VICINITY MAP
NEIGHBOR SIGNATURE FORM
SITE SURVEY (BY ANDREAS DEAK)
(FOR REFERENCE)
FLOOR AREA DIAGRAMS
LOT COVERAGE DIAGRAM
BUILDING SECTION LOOKING EAST @ 1/4" = 1'-0"
GENERAL NOTES
PROPOSED MAIN FLOOR PLAN @ 1/4" = 1'-0"
PROPOSED UPPER FLOOR PLAN @ 1/4" = 1'-0"
ARCHITECTURAL LEGEND
- SHEET 2: PROPOSED MAIN FLOOR ELECTRICAL & LIGHTING PLAN @ 1/4" = 1'-0"
PROPOSED UPPER FLOOR ELECTRICAL & LIGHTING PLAN @ 1/4" = 1'-0"
ARCHITECTURAL LEGEND
- SHEET 2.2: REMOVED WINDOW & EXT. DOOR SCHEDULE
WINDOWS & DOORS SCHEDULE
FINISH & APPLIANCE SCHEDULE
PLUMBING SCHEDULE
- SHEET 2A: EXISTING MAIN FLOOR PLAN @ 1/4" = 1'-0"
ARCHITECTURAL LEGEND
- SHEET 3: PROPOSED EXTERIOR ELEVATIONS @ 1/4" = 1'-0"
TYPICAL NEW EXT. BUILDING MATERIALS
- SHEET 3A: EXISTING EXTERIOR ELEVATIONS @ 1/4" = 1'-0"
TYPICAL EXISTING EXT. BUILDING MATERIALS

PROJECT DATA

ADDITION AND REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ
1527 SACRAMENTO STREET
BERKELEY, CA 94702

APN: 59-2285-36

USE: R-3 AT HOUSE; (SINGLE FAMILY DWELLING)
U AT DETACHED GARAGE

LOT SIZE: 111.52' x 25.00'
LOT AREA: 2783 SQ. FT.
HOUSE BUILT IN: 1919
T24 CLIMATE ZONE: NO
CREEK ON PARCEL: NONE
CONSTRUCTION TYPE: V-B (NOT FIRE SPRINKLER PROTECTED).
NO. OF STORIES: EXISTING (HOUSE) - 1; PROPOSED (HOUSE) - 2
EXISTING (DETACHED GARAGE) - 1

	EXISTING	PROPOSED	REQUIREMENT
MAX. RIDGE HEIGHT:	(WEST) 13'-7 1/8" (EAST) 13'-10 1/4"	22'-9" 23'-0"	35'-0" MAX.
MAX. AVG. HEIGHT:	12'-3"	21'-9"	28'-0" MAX.
MAX. EAVES HEIGHT:	(WEST) 10'-1 3/4" (EAST) 11'-2 3/4"	20'-3" 20'-6"	N/A N/A
FRONT SETBACK (WEST):	12'-5 3/8"	NO CHANGE	20'-0" MIN.
SIDE SETBACK (NORTH):	4'-3 1/4"	NO CHANGE	3'-0" MIN. (10% x 25'-0" < 3'-0")
SIDE SETBACK (SOUTH):	2'-1 3/8"	3'-0" (AT UPPER STORY ADDITION & LOWER STORY ALTERATION)	3'-0" MIN. (10% x 25'-0" < 3'-0")
REAR SETBACK (EAST):	48'-5 5/8"	43'-11 1/8"	20'-0" MIN.

HABITABLE & CONDITIONED FLOOR AREA CALCULATIONS

	EXISTING	PROPOSED	TOTAL
MAIN FLOOR	824 SQ. FT.	+44 SQ. FT.	868 SQ. FT.
UPPER FLOOR	0 SQ. FT.	+520 SQ. FT.	520 SQ. FT.
TOTAL HABITABLE & CONDITIONED FLOOR AREA	824 SQ. FT.	+564 SQ. FT.	1388 SQ. FT.

NON-HABITABLE & NON-CONDITIONED FLOOR AREA CALCULATIONS

	EXISTING	PROPOSED	TOTAL
COVERED FRONT ENTRY (ACC. STRUCTURE)	53 SQ. FT.	NO CHANGE	53 SQ. FT.
DETACHED GARAGE & STORAGE	240 SQ. FT.	-49 SQ. FT.	191 SQ. FT.
TOTAL NON-HABITABLE & NON-CONDITIONED FLOOR AREA	293 SQ. FT.	-49 SQ. FT.	244 SQ. FT.

LOT COVERAGE

(E) LOT COVERAGE (EXISTING BUILDING FOOTPRINT + LOT AREA)
1117 SQ. FT. + 2783 SQ. FT. = 40.14% (< 40% MAX.)

(N) LOT COVERAGE (NEW BUILDING FOOTPRINT + LOT AREA)
1112 SQ. FT. + 2783 SQ. FT. = 39.96% (< 40% MAX.)

USABLE OPEN SPACE

	EXISTING	PROPOSED	TOTAL
FRONT YARD	0 SQ. FT.	NO CHANGE	0 SQ. FT.
REAR YARD	564 SQ. FT.	+207 SQ. FT.	771 SQ. FT.
TOTAL	564 SQ. FT.	+207 SQ. FT.	771 SQ. FT.

EFFECTIVE JANUARY 1, 2020, THIS PROJECT IS TO COMPLY WITH THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE LOCATED IN TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS INCLUDING: 2019 CALIFORNIA ADMINISTRATIVE CODE, 2019 CALIFORNIA BUILDING CODE (CBC), 2019 CALIFORNIA RESIDENTIAL CODE (CRC), 2019 CALIFORNIA GREEN BUILDING CODE, 2019 CALIFORNIA FIRE CODE, 2019 CALIFORNIA REFERENCE CODE, 2019 CMC, 2019 CEC, 2019 CPC, CALIFORNIA ENERGY CODE AS AMENDED BY THE CITY OF BERKELEY AND THE CALIFORNIA BUILDING STANDARDS CODE BASED ON THE 2018 IBC, 2018 IRC, 2018 UMC, 2018 UPC, AND 2017 NEC, NFPA 70

- AUP APPLICATION SET REV 2.5 04.27.21
- AUP APPLICATION SET REV 2 02.09.21
- AUP APPLICATION SET REV 1 08.17.20
- AUP APPLICATION SET 02.26.20

FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ
1527 SACRAMENTO STREET
BERKELEY, CA 94702

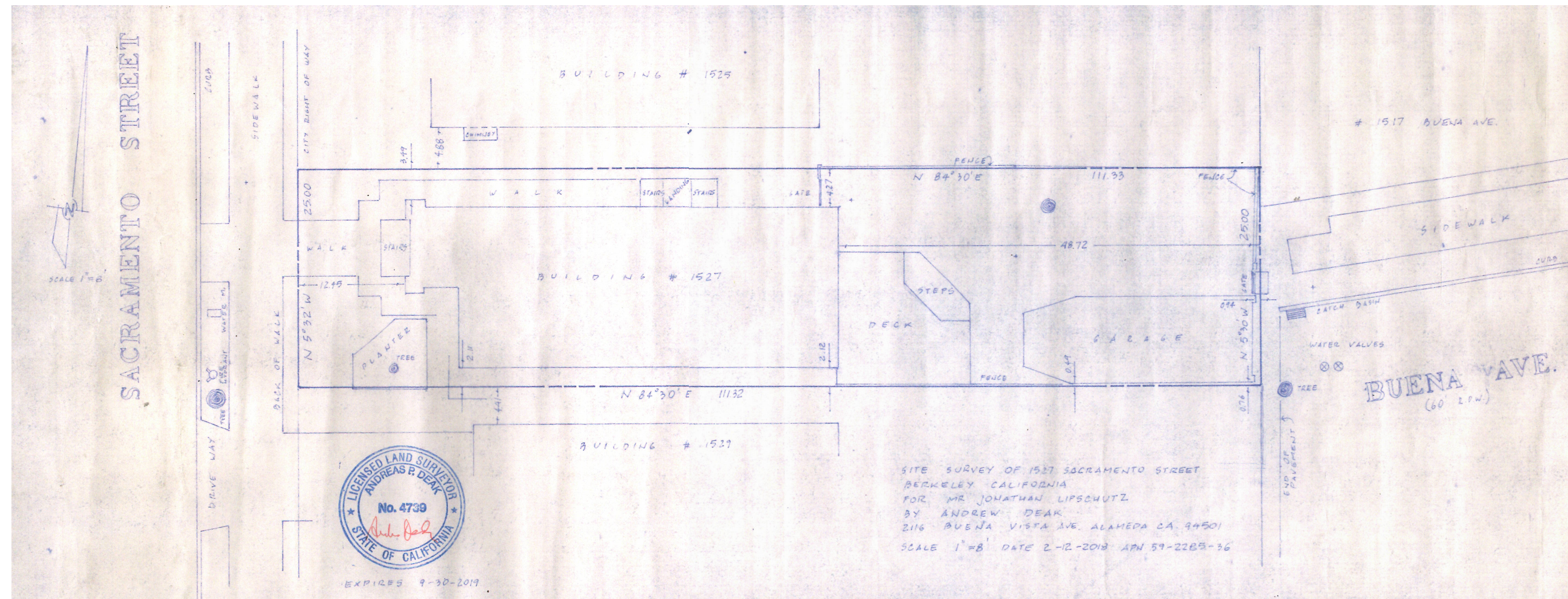
DATE: 02.09.21
08.17.20
02.26.20

JASON KALDIS ARCHITECT, INC.
1250 ADDISON STREET - STUDIO 210
BERKELEY, CA 94702
PH (510) 549-3584 FX (510) 549-3574
JASON@KALDISARCHITECT.COM

DRAWING TITLE: SITE PLAN WITH ROOF PLAN @ 1/8" = 1'-0", PARTIES INVOLVED, PROJECT DATA, SCOPE OF WORK, DRAWING INDEX, ASSESSOR'S PARCEL MAP, BEST MANAGEMENT PRACTICES, NEIGHBOR SIGNATURE FORM.

SHEET: 1 OF 13

DATE: 18026

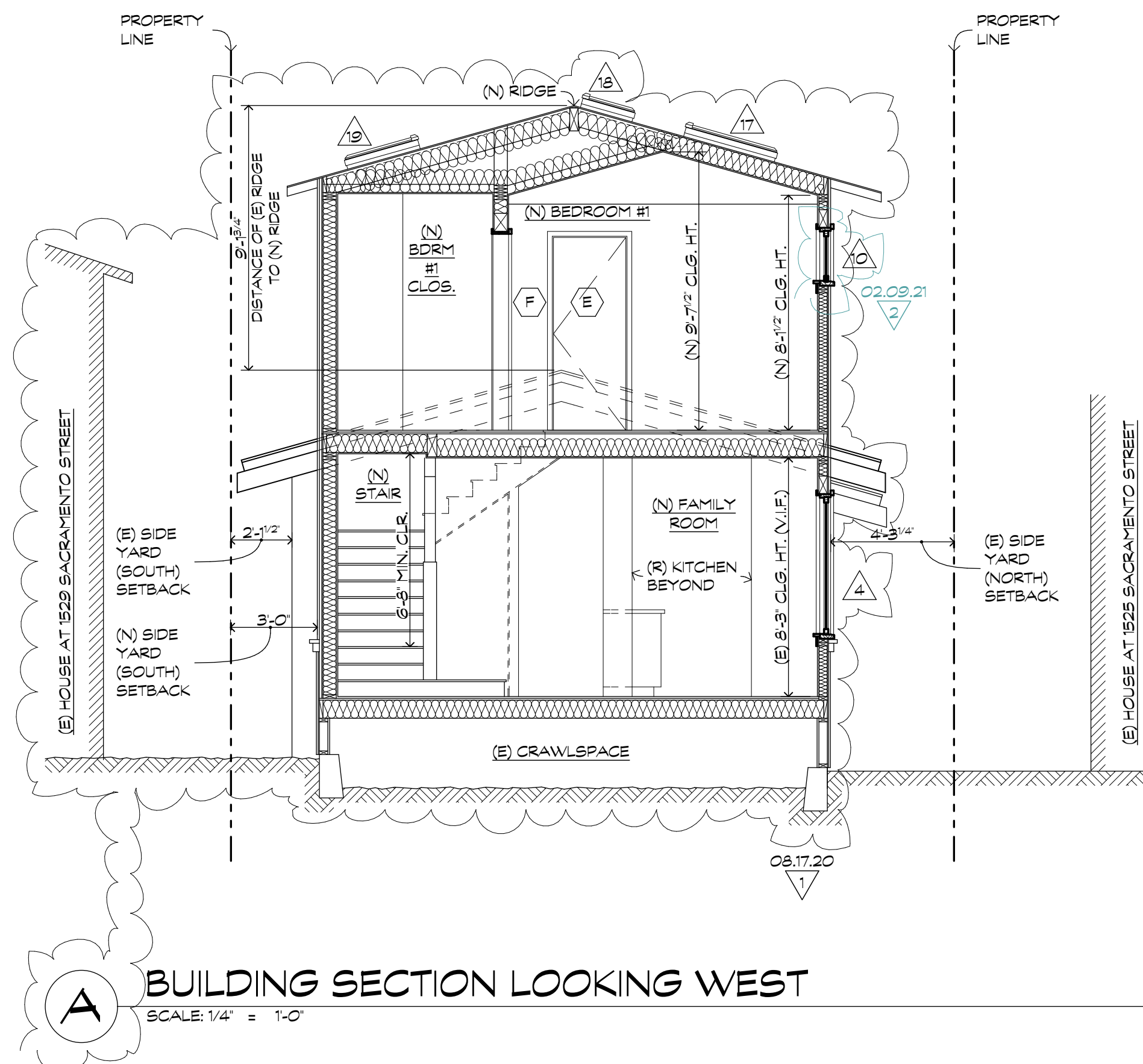


SITE SURVEY (BY ANDREAS DEAK) - (FOR REFERENCE)

SCALE: 1" = 8'-0"

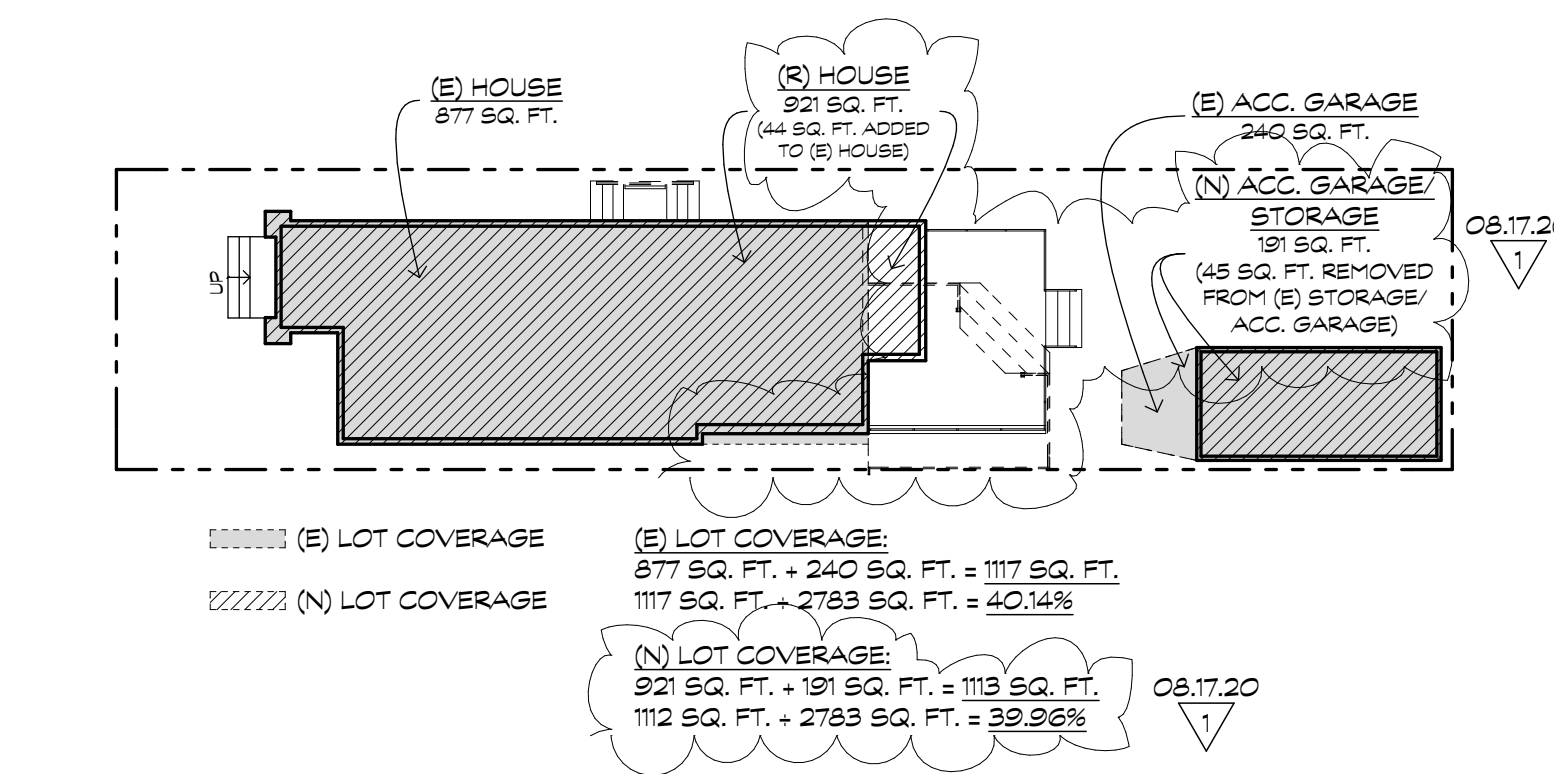
GENERAL NOTES

1. SITE CONDITIONS: BIDDERS SHALL VISIT THE SITE AND FAMILIARIZE THEMSELVES WITH ALL EXISTING LIMITATIONS. ALL FEATURES OF CONSTRUCTION NOT FULLY SHOWN SHALL BE OF THE SAME TYPE AND CHARACTER AS THAT SHOWN FOR SIMILAR CONDITIONS. FOR SPECIAL CONDITIONS OR DISCREPANCIES, NOTIFY THE ARCHITECT BEFORE BIDDING OR PROCEEDING WITH THE WORK.
2. PERMIT FEES AND INSURANCE: THE CONTRACT SHALL INCLUDE ALL PERMIT FEES UNLESS SPECIFICALLY NOTED IN THE BID AND CONTRACT. THE CONTRACTOR SHALL CARRY LIABILITY, PROPERTY DAMAGE, AND WORKERS COMPENSATION INSURANCE, AND PROVIDE OWNER CERTIFICATES FOR THESE POLICIES. THE OWNER SHALL CARRY FIRE INSURANCE.
3. BUILDING CODES: ALL WORK SHALL CONFORM TO ALL APPLICABLE CURRENT CODES AND ORDINANCES. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ALL MODIFICATIONS REQUESTED BY THE BUILDING DEPARTMENT, THE OWNER, CONSULTANTS, AND OTHER PARTIES.
4. TRADE STANDARDS: WORK SHALL BE COMPLETED SKILLFULLY AND IN ACCORDANCE WITH ACCEPTED TRADE STANDARDS. STANDARDS FOR CARE AND WORKMANSHIP SHALL BE AS DEFINED AND OUTLINED BY THE NATIONAL TRADE BODY SUCH AS SHACNA, THE COUNCIL OF AMERICAN WMA, NCA LATHING AND PLASTER INSTITUTE OF NORTHERN CALIFORNIA, ETCETERA.
5. MANUFACTURERS' INSTRUCTIONS: FOLLOW THE MANUFACTURERS' INSTRUCTIONS CAREFULLY. INSTRUCTIONS AND WARRANTIES SHALL BE GIVEN TO THE OWNER UPON SUBSTANTIAL COMPLETION.
6. SUBSTITUTIONS: SUBSTITUTIONS WILL BE CONSIDERED, BUT THE CONTRACTOR SHALL NOT SUBSTITUTE EQUIPMENT, MATERIAL, OR METHODS WITHOUT SPECIFIC APPROVAL BY THE ARCHITECT.
7. SCHEDULE: THE CONTRACTOR SHALL INFORM THE OWNER AND ARCHITECT OF THE CONSTRUCTION SCHEDULE PRIOR TO STARTING WORK. THE CONTRACTOR SHALL MAKE EVERY EFFORT TO MINIMIZE DISRUPTION TO OCCUPANTS AND NEIGHBORS DURING CONSTRUCTION.
8. COORDINATION OF WORK: THE CONTRACTOR SHALL COORDINATE WORK BETWEEN SUBCONTRACTORS, TRADESPEOPLE, AND SUPPLIERS AS SHOWN IN THE DRAWINGS, SPECIFICATIONS, AND CONTRACT.
9. CHANGE ORDERS: ALL CHANGE ORDERS SHALL BE AGREED TO AND IN WRITING PRIOR TO EXECUTION OF WORK.
10. DIMENSIONS: CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. DIMENSIONS ARE TO THE ROUGH FRAME UNLESS OTHERWISE NOTED. ANY DISCREPANCIES BETWEEN THE DRAWINGS AND/OR SPECIFICATIONS MUST BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO PROCEEDING WITH WORK.
11. NOTCHES, BORES AND CUTS TO THE STRUCTURE DO NOT NOTCH, BORE OR CUT MEMBERS FOR PIPES, DUCTS OR OTHER REASONS EXCEPT AS SHOWN ON DRAWINGS WITHOUT THE SPECIFIC ADVANCE APPROVAL OF THE ARCHITECT.
12. DEMOLITION: THE CONTRACTOR SHALL EXECUTE DEMOLITION WORK TO ENSURE THE SAFETY OF PERSONS AND ADJACENT PROPERTY FROM DAMAGE BY SETTLEMENT, FALLING DEBRIS, AND OTHER CAUSES IN CONNECTION WITH THIS WORK. WHERE EXISTING CONSTRUCTION IS CUT, DAMAGED, OR REMODELED, PATCH OR REPLACE WITH MATERIALS THAT MATCH THE KIND, QUALITY AND PERFORMANCE OF ADJACENT SURFACES.
13. ASBESTOS: IF THE CONTRACTOR ENCOUNTERS ASBESTOS, HE OR SHE SHALL WARN ALL EMPLOYEES, SUBCONTRACTORS, OWNER, OCCUPANTS, AND ARCHITECT PRIOR TO DEMOLITION OR CONSTRUCTION. MATERIALS CONTAINING ASBESTOS BECOME DISTURBED OR AIRBORNE, THEY MUST BE REMOVED. REMOVAL AND DISPOSAL MUST CONFORM TO THE LATEST REQUIREMENTS OF THE EPA, OSHA, CALIFORNIA DEPARTMENT OF HEALTH SERVICE AND LOCAL AUTHORITIES. ASBESTOS REMOVAL IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
14. CLEANUP: THE CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS AT THE END OF THE JOB AND DISPOSE OF IT LEGALLY. CLEAN ALL NEW WINDOWS AND LEAVE THE JOB BROOM CLEAN.
15. WARRANTY: CONTRACTOR SHALL WARRANT ALL WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION OR FROM THE COMMENCEMENT OF SPECIFIC WARRANTIES, AND MAKE CORRECTIONS TO THE WORK DURING THESE PERIODS.



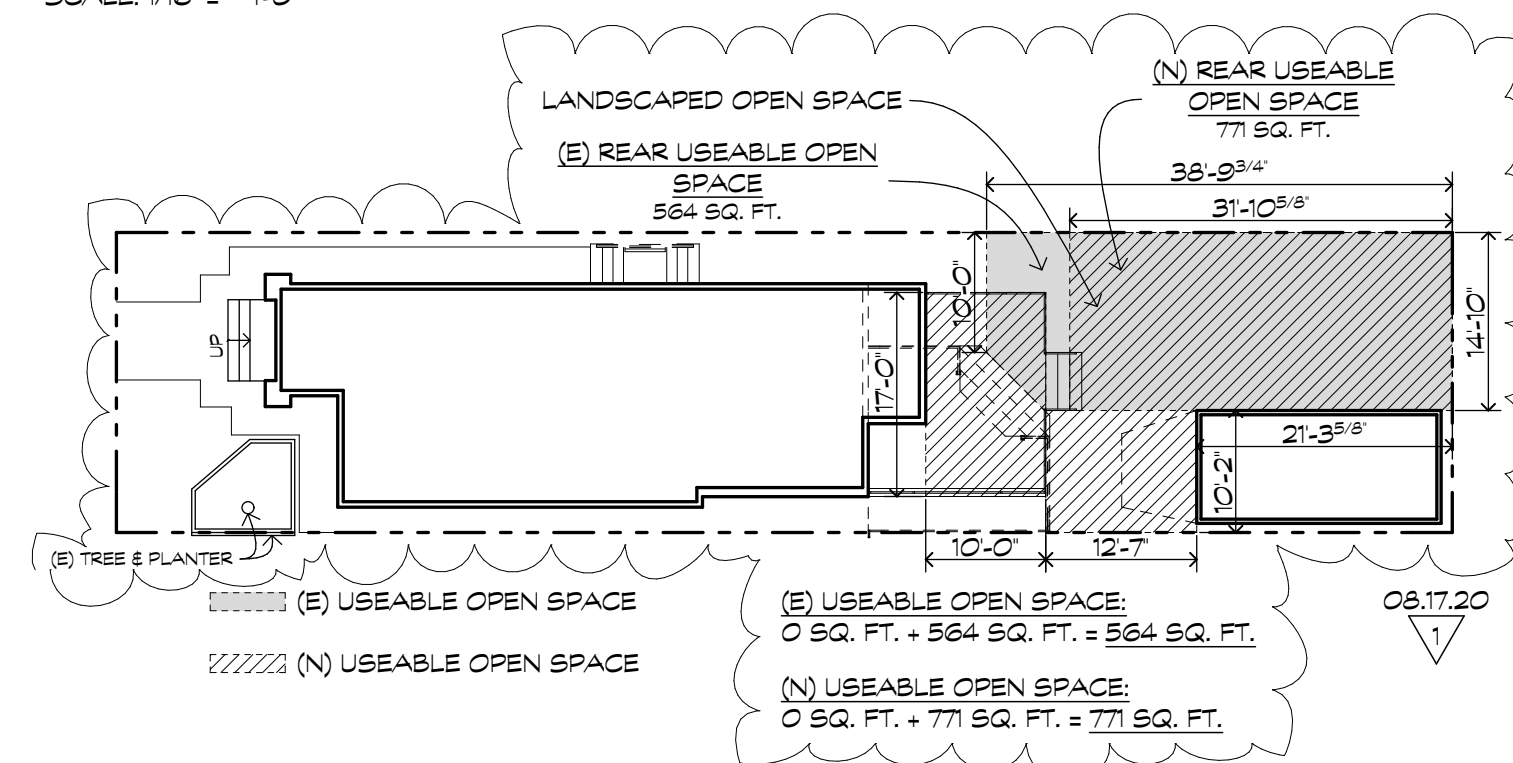
BUILDING SECTION LOOKING WEST

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



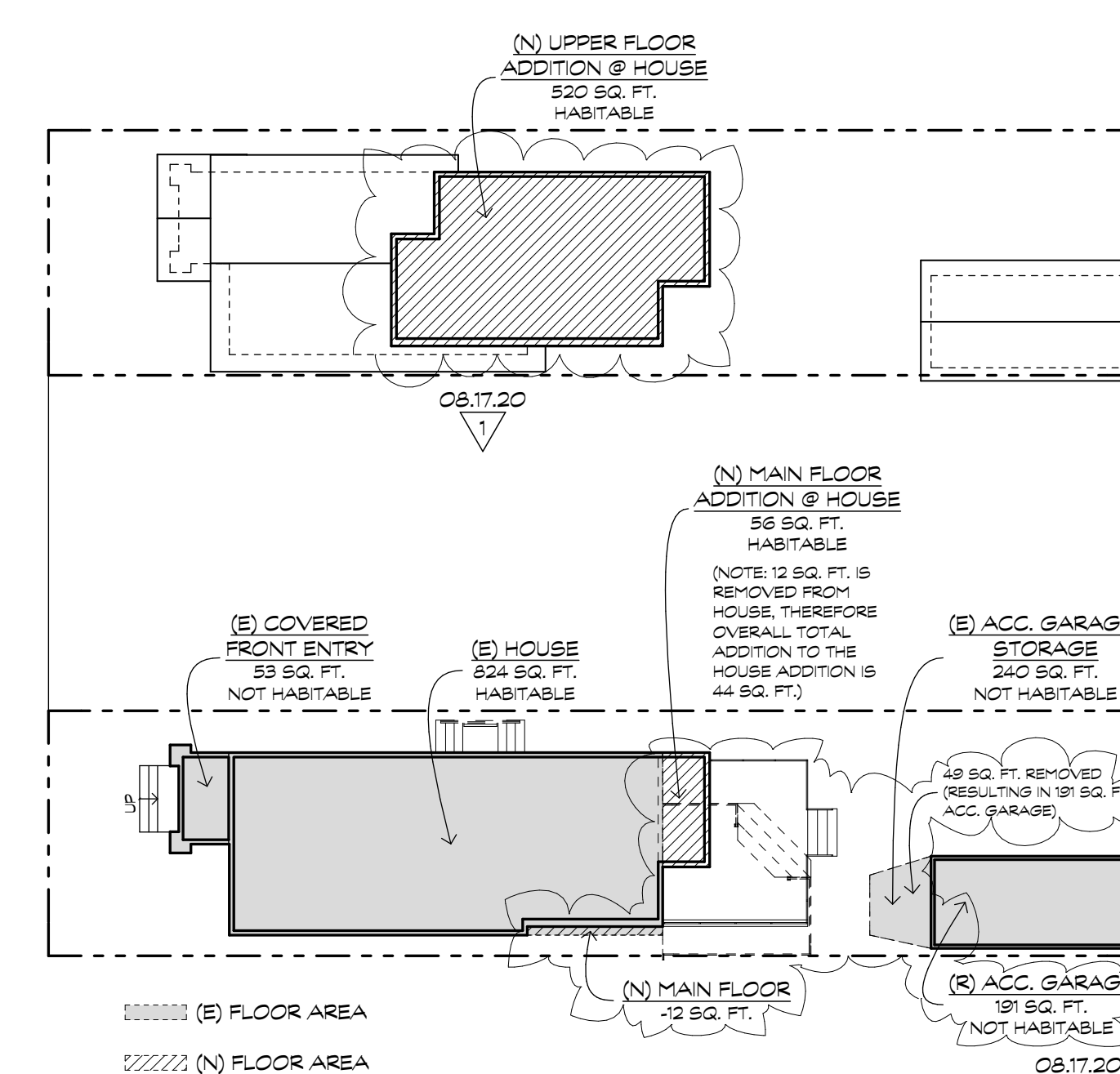
LOT COVERAGE DIAGRAM

SCALE: 1/16" = 1'-0"



USEABLE OPEN SPACE DIAGRAM

SCALE: 1/16" = 1'-0"



FLOOR AREA DIAGRAM

SCALE: 1/16" = 1'-0"

AUP APPLICATION SET REV 2 02.09.21

AUP APPLICATION SET REV 1 08.17.20

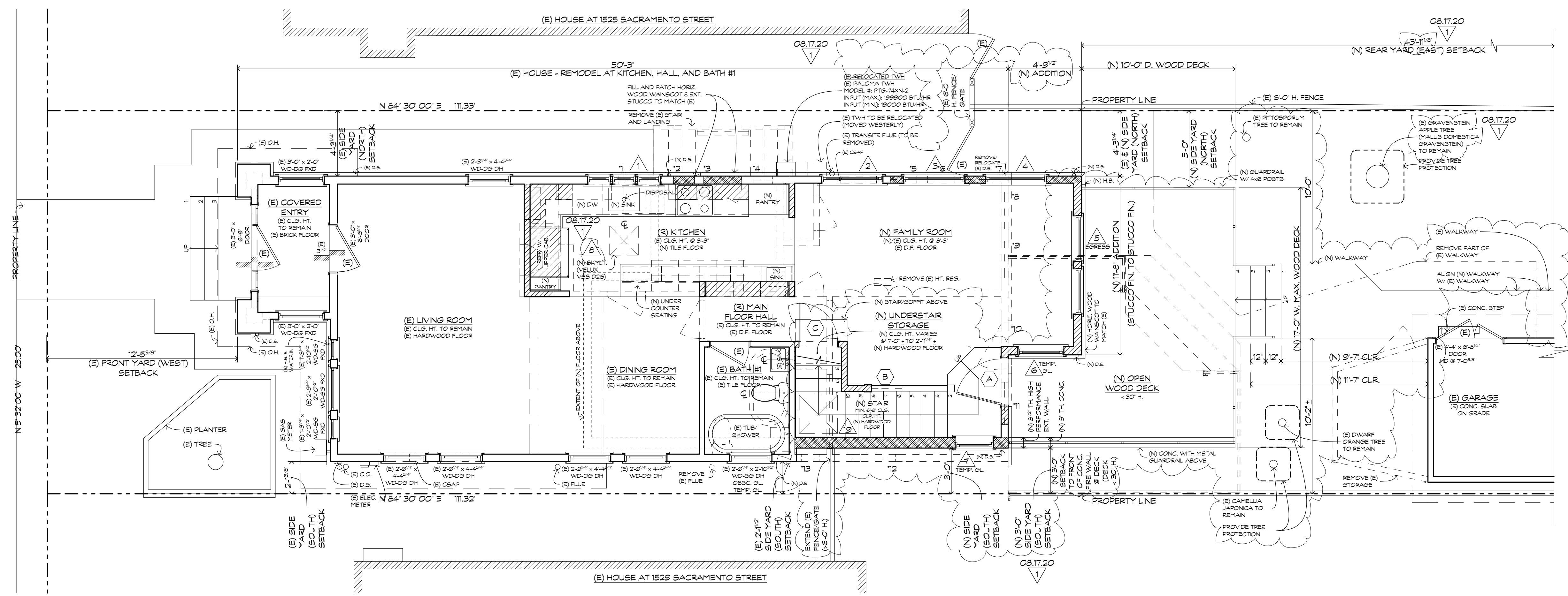
AUP APPLICATION SET 02.26.20

FOR ADDRESS:	DATE:
ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ	02.09.21
1527 SACRAMENTO STREET	08.17.20
BERKELEY, CA 94702	02.26.20
	DRAWN BY:

JASON KALDIS ARCHITECT, INC.
 1250 ADDISON STREET - STUDIO 210
 BERKELEY, CA 94702
 PH (510) 549-3584 FX (510) 549-3574
 JASON@JKALDISARCHITECT.COM

DRAWING TITLE: SITE SURVEY (BY ANDREAS DEAK) (FOR REFERENCE)
 LOT COVERAGE & FLOOR AREA DIAGRAM
 USEABLE OPEN SPACE DIAGRAM
 BUILDING SECTION LOOKING EAST
 GENERAL NOTES

SHEET: **1.1**
 OF: 18
 DATE: 18026

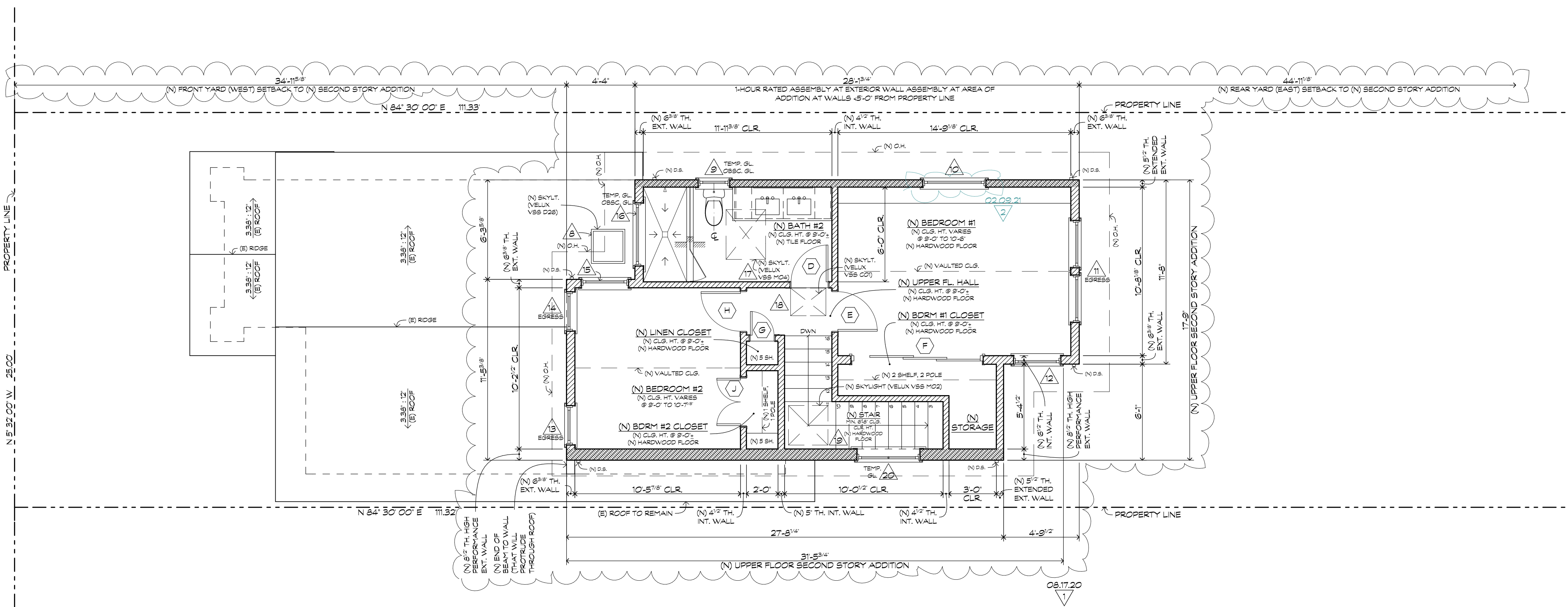


PROPOSED MAIN FLOOR PLAN

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

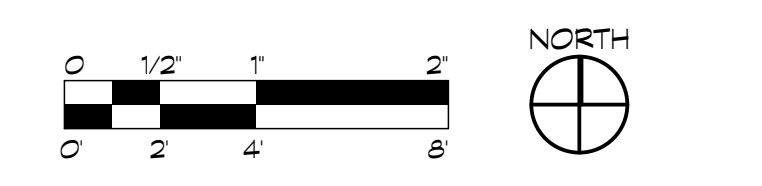
- ARCHITECTURAL LEGEND**
- NEW (N) 1-HR. RATED EXT. WALL
 - NEW (N) 1-HR. RATED INT. WALL
 - NEW (N) WALL
 - EXISTING (E) WALL TO REMAIN
 - EXISTING (E) WALL TO BE REMOVED
 - LINE ABOVE
 - LINE BELOW OR BEYOND
 - PROPERTY LINE
 - SECTION
 - DETAIL NUMBER
 - SHEET NUMBER
 - WINDOW KEY
 - DOOR KEY
 - REVISION
 - CEILING MOUNTED LIGHT
 - WALL MOUNTED LIGHT
 - RECESSED LIGHT
 - RECESSED ADJUSTABLE LIGHT
 - CABLE/TRACK LIGHTING
 - UNDERCABINET LIGHT
 - JUNCTION BOX
 - CEILING FAN W/ LIGHT
 - CEILING FAN
 - LIGHT-EXHAUST FAN COMBO
 - EXHAUST FAN
 - SWITCH
 - 3 WAY SWITCH
 - DUPLEX WALL OUTLET
 - QUAD WALL OUTLET
 - FLOOR OUTLET
 - TELEPHONE JACK
 - T.V./DATA CABLE JACK
 - SPEAKER
 - CHIMES
 - PUSH BUTTON
 - SMOKE ALARM
 - CARBON MONOXIDE ALARM
 - HEATE DETECTOR/ALARM
 - THERMOSTAT CONTROLS
 - HEAT REGISTER @ CEILING
 - HEAT REGISTER @ FLOOR
 - HEAT REGISTER @ WALL OR TOECK
 - SUPPLY LINE

- KEY TO ABBREVIATIONS**
- AAP = ATTIC ACCESS PANEL
 - AP = ACCESS PANEL
 - CAR = COLD AIR RETURN
 - CAP = CRAWLSPACE ACCESS PANEL
 - D = DIMMER
 - DS = DOWN SPOUT
 - (E) = EXISTING
 - F = FLUORESCENT
 - FAU = FORCED AIR UNIT
 - FN = FINISH (DIMENSION OFF SURFACE)
 - FV = FOUNDATION VENT
 - GRF = GROUND FAULT CIRCUIT INTERRUPTER
 - HB = HOSE BIB
 - H2O = WATER SUPPLY
 - LED = T24 QUALIFYING LED
 - MS = MOTION SENSOR
 - (N) = NEW
 - OH = OVERHANG
 - OS = OCCUPANCY SENSOR
 - PC = PHOTOCELL
 - (R) = REMODEL EXISTING
 - RO = ROUGH (DIMENSION OFF FRAMING)
 - RS = SANITARY SEWER
 - VS = VACANCY SENSOR
 - WH = WATER HEATER
 - WP = WATERPROOF/WEATHERPROOF
 - 1S, 1P = 1 SHELF, 1 POLE
 - 220V = 220 VOLT



PROPOSED UPPER FLOOR PLAN

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



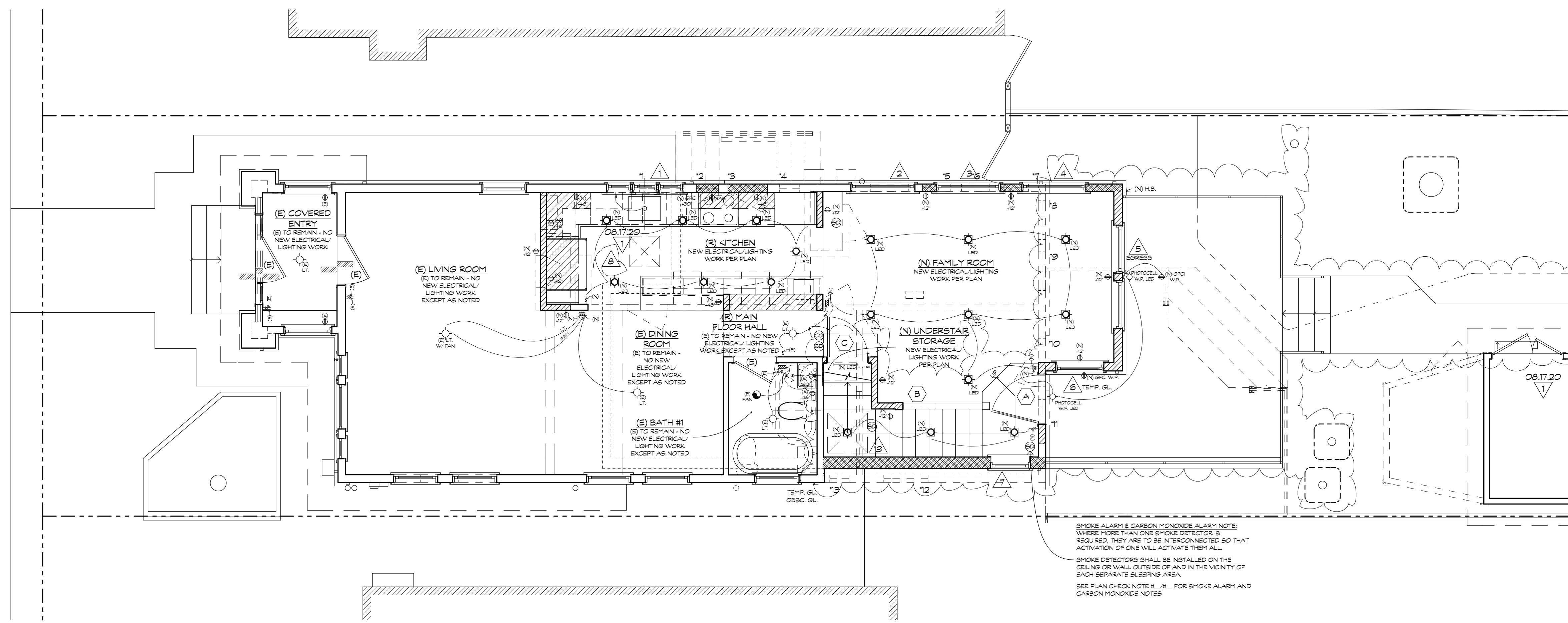
AUP APPLICATION SET REV 2 02.09.21
 AUP APPLICATION SET REV 1 08.17.20
 AUP APPLICATION SET 02.26.20

FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ 1527 SACRAMENTO STREET BERKELEY, CA 94702	DATE: 02.09.21 08.17.20 02.26.20 DRAWN BY: JK
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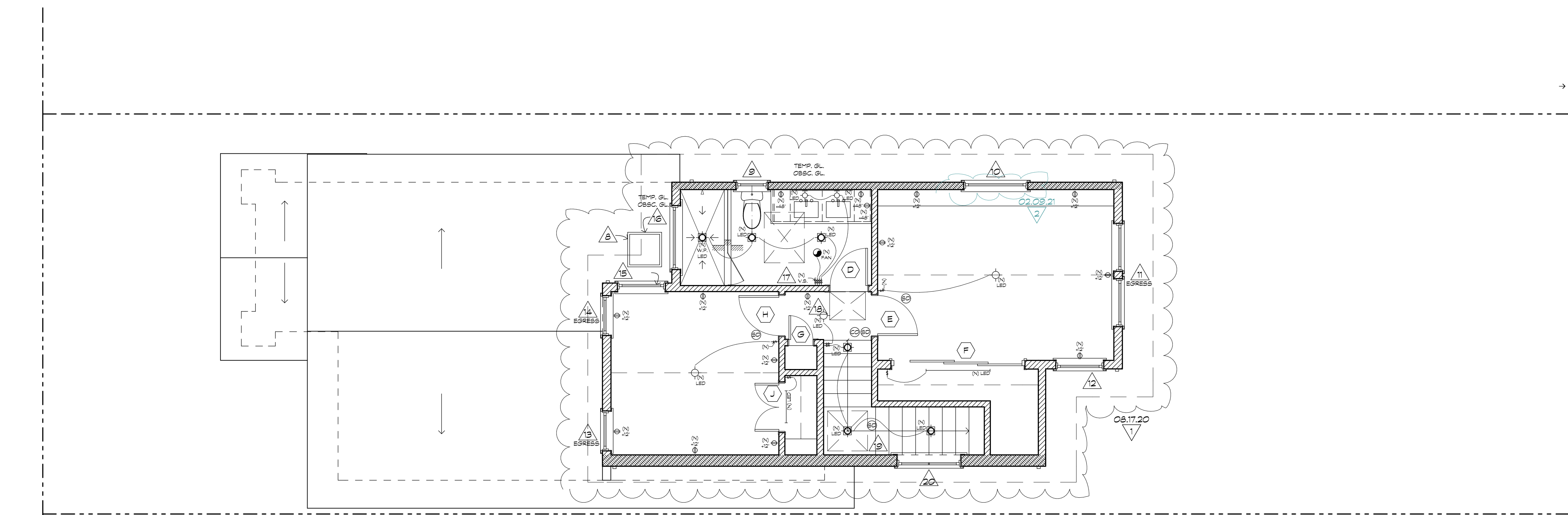
DRAWING TITLE: PROPOSED MAIN FLOOR PLAN
 @ 1/4" = 1'-0"
 PROPOSED UPPER FLOOR PLAN
 @ 1/4" = 1'-0"
 ARCHITECTURAL LEGEND

SHEET: **2**
 OF: 18
 DATE: 18026



PROPOSED MAIN FLOOR ELECTRICAL & LIGHTING PLAN

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

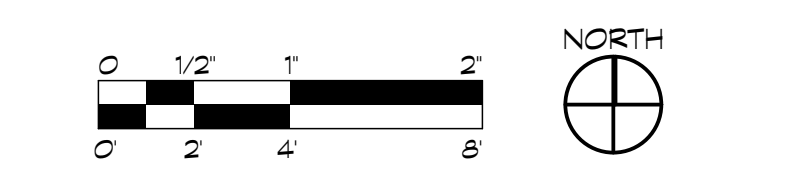


PROPOSED UPPER FLOOR ELECTRICAL & LIGHTING PLAN

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

- ARCHITECTURAL LEGEND**
- NEW (N) 1-HR. RATED EXT. WALL
 - NEW (N) 1-HR. RATED INT. WALL
 - NEW (N) WALL
 - EXISTING (E) WALL TO REMAIN
 - EXISTING (E) WALL TO BE REMOVED
 - LINE ABOVE
 - LINE BELOW OR BEYOND
 - PROPERTY LINE
 - SECTION
 - DETAIL NUMBER
 - SHEET NUMBER
 - WINDOW KEY
 - DOOR KEY
 - REVISION
 - CEILING MOUNTED LIGHT
 - WALL MOUNTED LIGHT
 - RECESSED LIGHT
 - RECESSED ADJUSTABLE LIGHT
 - CABLE/TRACK LIGHTING
 - UNDERCABINET LIGHT
 - JUNCTION BOX
 - CEILING FAN W/ LIGHT
 - CEILING FAN
 - LIGHT-EXHAUST FAN COMBO
 - EXHAUST FAN
 - SWITCH
 - 3 WAY SWITCH
 - DUPLEX WALL OUTLET
 - QUAD WALL OUTLET
 - FLOOR OUTLET
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- AAP = ATTIC ACCESS PANEL
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 - D = DIMMER
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 - FAU = FORCED AIR UNIT
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 - FV = FOUNDATION VENT
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 - HB = HOSE BIB
 - H2O = WATER SUPPLY
 - LED = T24 QUALIFYING LED
 - MS = MOTION SENSOR
 - (N) = NEW
 - OH = OVERHANG
 - OS = OCCUPANCY SENSOR
 - PC = PHOTOCCELL
 - (R) = REMODEL EXISTING
 - RO. = ROUGH (DIMENSION OFF FRAMING)
 - SS = SANITARY SEWER
 - VS = VACANCY SENSOR
 - WH = WATER HEATER
 - WP = WATERPROOF/WEATHERPROOF
 - 1S, 1P = 1 SHELF, 1 POLE
 - 220V = 220 VOLT



- AUP APPLICATION SET REV2 02.09.21
- AUP APPLICATION SET REV1 08.17.20
- AUP APPLICATION SET 02.26.20

FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ 1527 SACRAMENTO STREET BERKELEY, CA 94702	DATE 02.09.21 08.17.20 02.26.20
JASON KALDIS ARCHITECT, INC.	
1250 ADDISON STREET - STUDIO 210 BERKELEY, CA 94702 PH (510) 549-3584 FX (510) 549-3574 JASON@JKALDISARCHITECT.COM	
DRAWING TITLE PROPOSED MAIN FLOOR ELECTRICAL & LIGHTING PLAN @ 1/4" = 1'-0" PROPOSED UPPER FLOOR ELECTRICAL & LIGHTING PLAN @ 1/4" = 1'-0" ARCHITECTURAL LEGEND	SHEET 2.1 OF 21 SHEETS 18026

APPLIANCE SCHEDULE					TALAMO/LIPSCHUTZ RESIDENCE 1527 SACRAMENTO ST BERKELEY, CA 94702
APPLIANCE TYPE	MANUFACTURER	MODEL NAME	MODEL NO.	COLOR/FINISH	
MICROWAVE	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	
DISHWASHER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	
REFRIGERATOR	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	
GAS RANGE	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	
EXHAUST HOOD	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	
GARBAGE DISPOSAL	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	TO BE CONFIRMED WITH OWNER	
OWNER TO FURNISH AND CONTRACTOR TO UNLOAD & INSTALL ALL APPLIANCES.					

08.17.20

PLUMBING SCHEDULE						TALAMO/LIPSCHUTZ RESIDENCE 1527 SACRAMENTO ST BERKELEY, CA 94702
LOCATION	FIXTURE	MANUFACTURER	PRODUCT NAME	MODEL NO.	FINISH - COLOR	
(R) BATH #1	TUB FILLER & CONTROLS	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER
	PEDESTAL SINK	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER
	FAUCETS	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER
	SHOWER HEAD & CONTROLS	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER
	TOILET	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER
(N) BATH #2	TOILET	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER
	UNDERMOUNT SINK	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER
	FAUCET	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER
(R) KITCHEN	UNDERMOUNT SINK	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER
	FAUCET	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER	CONFIRM W/ OWNER

DOOR SCHEDULE							TALAMO/LIPSCHUTZ RESIDENCE 1527 SACRAMENTO ST BERKELEY, CA 94702
SIZE (W x H x TH)	STYLE	MATERIAL	FINISH	HARDWARE	REMARKS		
A 3'-0" x 6'-8" x 1 3/4"	ISFD	CW-DG (CONFIRM)	PAINT EA. FACE & ALL EDGES	ENTRY LATCH & DEADBOLT	(N) FAMILY ROOM		
B 2'-0" x 2'-8" (MIN.) x 1 3/8"	CONFIRM WITH OWNER	SOLID CORE WOOD	PAINT EA. FACE & ALL EDGES		(N) FAMILY ROOM		
C 2'-8" x 6'-8" x 1 3/8"	SINGLE PANEL	SOLID CORE WOOD	PAINT EA. FACE & ALL EDGES		(N) UNDERSTAR STORAGE		
D 2'-4" x 6'-8" x 1 3/8"	SINGLE PANEL	SOLID CORE WOOD	PAINT EA. FACE & ALL EDGES	PRIVACY	(N) BATH #2		
E 2'-8" x 6'-8" x 1 3/8"	SINGLE PANEL	SOLID CORE WOOD	PAINT EA. FACE & ALL EDGES	PRIVACY	(N) BEDROOM #1		
F 8'-0" x 6'-8" x 1 3/8"	SLIDER (3 PANEL)	SOLID CORE WOOD	PAINT EA. FACE & ALL EDGES	RECESSED PULLS	(N) BDRM #1 CLOSET/STORAGE		
G 1'-6" x 6'-8" x 1 3/8"	SINGLE PANEL	SOLID CORE WOOD	PAINT EA. FACE & ALL EDGES		(N) LINEN CLOSET		
H 2'-8" x 6'-8" x 1 3/8"	SINGLE PANEL	SOLID CORE WOOD	PAINT EA. FACE & ALL EDGES	PRIVACY	(N) BEDROOM #2		
J 3'-0" x 6'-8" x 1 3/8" (PAIR OF 1'-6" WIDE DOORS)	SINGLE PANEL	SOLID CORE WOOD	PAINT EA. FACE & ALL EDGES		(N) BDRM #2 CLOSET		
The architect is not responsible for the ordering of doors. Contractor, owner, and door supplier are to verify all door rough openings and verify coordination between manufacturer's model number, door size, safety glazing, finishes and accessories.							

FINISH SCHEDULE							TALAMO/LIPSCHUTZ RESIDENCE 1527 SACRAMENTO ST BERKELEY, CA 94702
ROOM	FLOOR	BASE	WALLS	CEILING	TRIM	REMARKS	
(E) LIVING ROOM	PRESERVE (E) HARDWOOD FLOOR	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	PATCH/ REFINISH AS NECESSARY TO MATCH (E); (N) 1/2 TH. GYP. BD. PAINTED (AT EAST WALL)	PRESERVE (E) CEILING	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(E) DINING ROOM	PRESERVE (E) HARDWOOD FLOOR	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	PATCH/ REFINISH AS NECESSARY TO MATCH (E); (N) 1/2 TH. GYP. BD. PAINTED (AT EAST, SOUTH & WEST WALL)	PRESERVE (E) CEILING	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(R) KITCHEN	(N) TILE FLOOR	MATCH (E) AT HOUSE	(N) 1/2 TH. GYP. BD. (AT EAST, WEST & SOUTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT NORTH WALL) PAINTED	PRESERVE (E) CEILING	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(R) MAIN FLOOR HALL	PRESERVE (E) D.F. FLOOR	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	PRESERVE (E) CEILING	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(R) BATH #1	(N) TILE FLOOR	MATCH (E) AT HOUSE	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	PRESERVE (E) CEILING	PATCH/ REFINISH AS NECESSARY TO MATCH (E)	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(N) FAMILY ROOM	(N) HARDWOOD FLOOR	MATCH (E) AT HOUSE	PATCH/ REFINISH AS NECESSARY TO MATCH (E); (N) 1/2 TH. GYP. BD. PAINTED (AT EAST, SOUTH & WEST WALL)	PATCH/ REFINISH AS NECESSARY TO MATCH (E); (N) 1/2 TH. GYP. BD. (AT ADDITION) PAINTED	MATCH (E) AT HOUSE	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(N) UNDERSTAR STORAGE	(N) HARDWOOD FLOOR	MATCH (E) AT HOUSE	(N) 1/2 TH. GYP. BD. PAINTED	(N) 1/2 TH. GYP. BD. PAINTED	MATCH (E) AT HOUSE	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(N) STAIR	(N) HARDWOOD FLOOR	MATCH (E) AT HOUSE	(N) 1/2 TH. GYP. BD. (AT EAST, WEST & NORTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT SOUTH WALL) PAINTED	(N) 1/2 TH. GYP. BD. PAINTED	MATCH (E) AT HOUSE	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(N) UPPER FLOOR HALL	(N) HARDWOOD FLOOR	MATCH (E) AT HOUSE	(N) 1/2 TH. GYP. BD. PAINTED	(N) 1/2 TH. GYP. BD. PAINTED	MATCH (E) AT HOUSE	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(N) BATH #2	(N) TILE FLOOR	MATCH (E) AT HOUSE	(N) 1/2 TH. GYP. BD. (AT EAST, WEST & SOUTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT NORTH WALL) PAINTED	(N) 1/2 TH. GYP. BD. PAINTED	MATCH (E) AT HOUSE	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(N) BEDROOM #1	(N) HARDWOOD FLOOR	MATCH (E) AT HOUSE	(N) 1/2 TH. GYP. BD. (AT EAST, WEST & SOUTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT NORTH WALL) PAINTED	(N) 1/2 TH. GYP. BD. PAINTED	MATCH (E) AT HOUSE	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(N) BDRM #1 CLOSET/STORAGE	(N) HARDWOOD FLOOR	MATCH (E) AT HOUSE	(N) 1/2 TH. GYP. BD. (AT EAST, WEST & NORTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT SOUTH WALL) PAINTED	(N) 1/2 TH. GYP. BD. PAINTED	MATCH (E) AT HOUSE	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(N) BEDROOM #2	(N) HARDWOOD FLOOR	MATCH (E) AT HOUSE	(N) 1/2 TH. GYP. BD. (AT EAST, WEST & SOUTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT NORTH WALL) PAINTED	(N) 1/2 TH. GYP. BD. PAINTED	MATCH (E) AT HOUSE	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	
(N) BDRM #2 CLOSET	(N) HARDWOOD FLOOR	MATCH (E) AT HOUSE	(N) 1/2 TH. GYP. BD. (AT EAST, WEST & NORTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT SOUTH WALL) PAINTED	(N) 1/2 TH. GYP. BD. PAINTED	MATCH (E) AT HOUSE	TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS	

WINDOW SCHEDULE							TALAMO/LIPSCHUTZ RESIDENCE 1527 SACRAMENTO ST BERKELEY, CA 94702
ROUGH OPENING	TYPE	MFR. & MODEL #	See Ext. Elev. for Lites (WxH)	FINISH	FIN. INT. HD. @ 6'-8" TYP. UNLESS OTHERWISE NOTED, REMARKS		
1 (3) 1'-8" x 4'-0"	CSMT	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA1842C)			(R) KITCHEN; HD @ 7'-0"		
2 4'-0" x 2'-0"	FXD/PICTURE	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCAP4222)			(N) FAMILY ROOM; HD @ 7'-0"		
3 4'-0" x 2'-0"	FXD/PICTURE	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCAP4222)			(N) FAMILY ROOM; HD @ 7'-0"		
4 4'-0" x 2'-0"	FXD/PICTURE	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCAP4222)			(N) FAMILY ROOM; HD @ 7'-0"		
5 (2) 3'-0" x 5'-0"	CSMT	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3050 E)			(N) FAMILY ROOM; HD @ 7'-0"; EGRESS QUALIFYING		
6 3'-0" x 5'-0"	CSMT	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3050 E)			(N) FAMILY ROOM; HD @ 7'-0"; EGRESS QUALIFYING		
7 2'-8" x 4'-8"	FXD/PICTURE	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCAP2848)			(N) STAIR (AT LANDING); HD @ 7'-0"; TEMP. GL.		
8 1'-0 1/2" x 1'-10 1/8"	SOLAR POWERED FRESH AIR CURB MOUNTED SKYLIGHT	VELUX SKYLIGHT (VSS D26)			(R) KITCHEN; TEMP. GL.; EDL FLASHING KIT FOR DECK MOUNTED SKYLIGHT		
9 2'-0" x 4'-8"	CSMT	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2048)			(N) BATH #2; HD @ 7'-0"; TEMP. GL.; CBGC. GL.		
10 4'-0" x 2'-0"	AWNING	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ES4WN4222)			(N) BEDROOM #1; HD @ 7'-0"		
11 (2) 3'-0" x 4'-8"	CSMT	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3048 E)			(N) BEDROOM #1; HD @ 7'-0"; EGRESS QUALIFYING		
12 3'-0" x 4'-8"	CSMT	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3048 E)			(N) BEDROOM #1; HD @ 7'-0"; EGRESS QUALIFYING		
13 2'-8" x 4'-8"	CSMT	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2848 E)			(N) BEDROOM #2; HD @ 7'-0"; EGRESS QUALIFYING		
14 2'-8" x 4'-8"	CSMT	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2848 E)			(N) BEDROOM #2; HD @ 7'-0"; EGRESS QUALIFYING		
15 3'-0" x 4'-8"	CSMT	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3048 E)			(N) BEDROOM #2; HD @ 7'-0"; EGRESS QUALIFYING		
16 4'-0" x 2'-0"	AWNING	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ES4WN4222)			(N) BATH #2; HD @ 7'-0"; TEMP. GL.; CBGC. GL.		
17 2'-8 1/8" x 3'-1 7/8"	SOLAR POWERED FRESH AIR CURB MOUNTED SKYLIGHT	VELUX SKYLIGHT (VSS M04)			(N) BATH #2; TEMP. GL.; EDL FLASHING KIT FOR DECK MOUNTED SKYLIGHT		08.17.20
18 1'-8" x 2'-2 7/8"	SOLAR POWERED FRESH AIR CURB MOUNTED SKYLIGHT	VELUX SKYLIGHT (VSS C01)			(N) STAIR; TEMP. GL.; EDL FLASHING KIT FOR DECK MOUNTED SKYLIGHT		
19 2'-8 1/8" x 2'-8"	SOLAR POWERED FRESH AIR CURB MOUNTED SKYLIGHT	VELUX SKYLIGHT (VSS M02)			(N) STAIR; TEMP. GL.; EDL FLASHING KIT FOR DECK MOUNTED SKYLIGHT		
20 4'-0" x 2'-0"	FXD/PICTURE	MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCAP4222)			(N) STAIR; HD @ 7'-0" FROM SECOND FLOOR LEVEL; TEMP. GL.		08.17.20
The architect is not responsible for the ordering of windows and skylights. Contractor, owner, window supplier, and skylight supplier are to verify all window and skylight rough openings and verify coordination between manufacturer's model number, window and skylight size, safety glazing, finishes and accessories.							

MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX WINDOW NOTES:

REFERENCE STANDARDS: AMERICAN ARCHITECTURAL MANUFACTURERS ASSOCIATION (AAMA); NATIONAL FENESTRATION RATING COUNCIL (NFRC); LATEST EDITIONS.

INSTALLATION: INSTALL PER MANUFACTURER'S INSTRUCTIONS. COORDINATE WINDOW AND SCREEN INSTALLATION WITH SECURITY INSTALLATION.

MATERIALS: FIBERGLASS WITH DUAL GLAZED WINDOWS

OPERATION TYPE: AWNING

GLAZING: STANDARD LOW-E-272, ARGON INSULATING GLASS, TEMPERED PER CODE AT HAZARDOUS LOCATIONS.

MANUFACTURER: MARVIN ESSENTIAL (INTEGRITY ALL-ULTRIX BY MARVIN)

1. EXTERIOR CASING: MATCH EXISTING

2. EXTERIOR FINISH: MATCH EXISTING

3. HEAD FLASHING: G.S.M. DRIP CAP FLASHING AT ALL WINDOW AND DOOR HEADS. SEE DETAILS.

4. PENETRATIONS: (IE, WINDOWS, DOORS, VENTS, TYP.) FLASHING RECOMMENDATIONS: 12" WIDE FORTIFIBER MOISTPROOF-EZ SEAL FLASHING OR 9" WIDE PROTECTO WRAP BT-25XL FLASHING INSTALLED PER MFR'S INSTRUCTIONS; TYPICALLY, INSTALL SILL FLASHINGS FIRST, JAMB FLASHINGS NEXT, THEN HEAD FLASHING, FOLLOWED BY SHINGLED BUILDING PAPER (INSTALLED FROM THE BOTTOM UP). BE SURE THAT BUILDING PAPER TUCKS UNDER THE SILL STRIP FLASHING WITH THE NEXT COURSE OF BUILDING PAPER OVER THE JAMB STRIP FLASHINGS. ASSEMBLY SHALL INSURE THAT ALL EXTERIOR OPENINGS EXPOSED TO THE WEATHER SHALL BE FLASHED IN SUCH A MANNER AS TO MAKE THEM WATERPROOF (PER UBC). SEE ARCHITECTURAL DETAILS FOR MORE INFORMATION.

5. SEALANTS: USE ONLY PRODUCTS AS RECOMMENDED & MANUFACTURED BY FLASHING MEMBRANE MFR. INSTALLATION INSTRUCTIONS.

VELUX CLAD WOOD SKYLIGHT NOTES:

REFERENCE STANDARDS: ANSL, ASTM AND VELUX ARCHITECTURAL SPECIFICATION SHEET.

INSTALLATION: INSTALL PER MANUFACTURER'S INSTRUCTIONS.

MATERIALS: WOOD FRAME ROOF WINDOW TO BE "VELUX VSS D26, VSS M02, VSS M04, & VSS C01" AS MANUFACTURED BY VELUX-AMERICA LLC.

OPERATION TYPE: VSS: SOLAR-POWERED "FRESH AIR" SKYLIGHTS

GLAZING: DUAL PANE LAMINATE GLAZING (6x04), TEMPERED PER CODE AT HAZARDOUS LOCATIONS.

MANUFACTURER: VELUX-AMERICA LLC.

1. CURB KIT & FLASHING SYSTEM: TYPE EDL, WITH PREFABRICATED 22 GAUGE LAQUERED ALUMINUM, STEP FLASHING, CURB FLASHING.

2. ACCESSORIES: CONFIRM WITH OWNER

REMOVED WINDOWS & EXTERIOR DOORS				
*	NOMINAL FRAME SIZE	OPERATION TYPE	FRAME/GLAZING	
1	2'-8 1/4" x 2'-0 3/8"	DH	RETROFIT WD-DG	
2	1'-4" x 4'-0 3/4"	CALIFORNIA COOLER	WD	
3	2'-5 3/4" x 6'-5 3/4"	INSWING 1/2 LITE DOOR	WOOD	
4	1'-3 1/4" x 2'-0 1/2"	CSMT	WD-DG	
5	1'-8 3/4" x 2'-8 3/4"	CSMT	WD-DG	
6	1'-8 3/4" x 2'-8 3/4"	CSMT	WD-DG	
7	1'-8 3/4" x 2'-8 3/4"	CSMT	WD-DG	
8	2'-5" x 2'-8 3/4"	CSMT	WD-DG	
9	2'-5" x 2'-8 3/4"	CSMT	WD-DG	
10	3'-0" x 6'-7"	ISFD 18 LITE	WD-SG	
11	2'-8 1/4" x 4'-4 3/4"	DH	WD-DG	
12	2'-8 1/4" x 4'-4 3/4"	DH	WD-DG	
13	1'-2 1/2" x 2'-10"	FXD	WD-DG	

AUP APPLICATION SET REV2 02.09.21
AUP APPLICATION SET REV1 08.17.20
AUP APPLICATION SET 02.26.20

FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ
1527 SACRAMENTO STREET
BERKELEY, CA 94702

JASON KALDIS
ARCHITECT, INC.
1250 ADDISON STREET - STUDIO 210
BERKELEY, CA 94702
PH (510) 549-3584 FX (510) 549-3574
JASON@KALDISARCHITECT.COM

DRAWING TITLE: REMOVED EXT. WINDOWS & DOORS
WINDOW/DOOR SCHEDULE
FINISH/PLUMBING SCHEDULE
APPLIANCE SCHEDULE

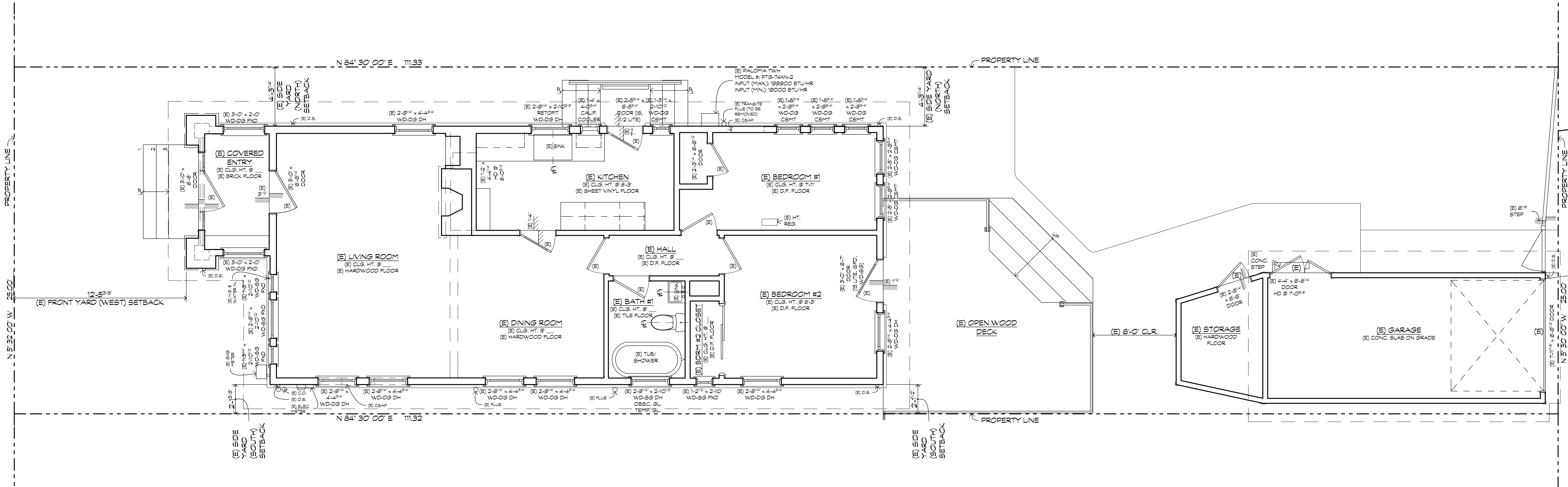
DATE: 02.09.21
08.17.20
02.26.20

SCALE: 1/8" = 1'-0"

2.2

DATE: 02.09.21
08.17.20
02.26.20

SACRAMENTO STREET

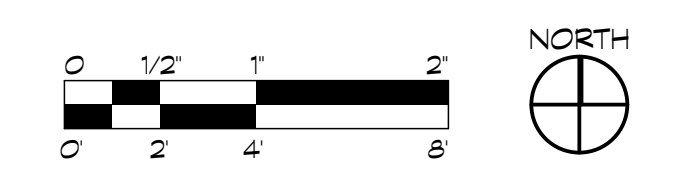


EXISTING MAIN FLOOR PLAN

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

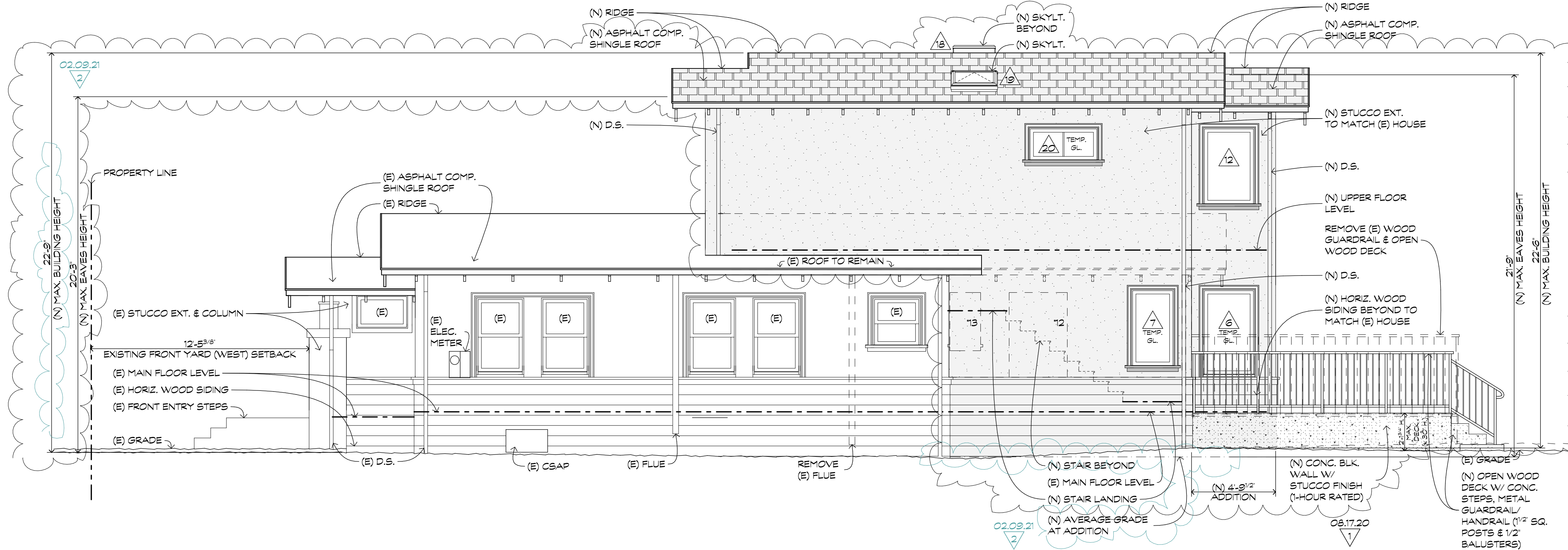
- ARCHITECTURAL LEGEND**
- NEW (N) 1-HR. RATED EXT. WALL
 - NEW (N) 1-HR. RATED INT. WALL
 - NEW (N) WALL
 - EXISTING (E) WALL TO REMAIN
 - EXISTING (E) WALL TO BE REMOVED
 - LINE ABOVE
 - LINE BELOW OR BEYOND
 - PROPERTY LINE
 - SECTION
 - DETAIL NUMBER
 - SHEET NUMBER
 - WINDOW KEY
 - DOOR KEY
 - REVISION
 - CEILING MOUNTED LIGHT
 - WALL MOUNTED LIGHT
 - RECESSED LIGHT
 - RECESSED ADJUSTABLE LIGHT
 - CABLE/TRACK LIGHTING
 - UNDERCABINET LIGHTING
 - JUNCTION BOX
 - CEILING FAN W/ LIGHT
 - CEILING FAN
 - LIGHT-EXHAUST FAN COMBO
 - EXHAUST FAN
 - SWITCH
 - 3 WAY SWITCH
 - DUPLEX WALL OUTLET
 - QUAD WALL OUTLET
 - FLOOR OUTLET
 - TELEPHONE JACK
 - T.V./DATA CABLE JACK
 - SPEAKER
 - CHIMES
 - PUSH BUTTON
 - SMOKE ALARM
 - CARBON MONOXIDE ALARM
 - HEAT DETECTOR/ALARM
 - THERMOSTAT CONTROLS
 - HEAT REGISTER @ CEILING
 - HEAT REGISTER @ FLOOR
 - HEAT REGISTER @ WALL OR TOEKICK
 - SUPPLY LINE

- KEY TO ABBREVIATIONS**
- AAP = ATTIC ACCESS PANEL
 - AP = ACCESS PANEL
 - CAR = COLD AIR RETURN
 - CAP = CRAWLSPACE ACCESS PANEL
 - D = DIMMER
 - DS = DOWN SPOUT
 - (E) = EXISTING
 - F = FLUORESCENT
 - FAU = FORCED AIR UNIT
 - FN = FINISH (DIMENSION OFF SURFACE)
 - FV = FOUNDATION VENT
 - GFI = GROUND FAULT CIRCUIT INTERRUPTER
 - HB = HOSE BIB
 - H2O = WATER SUPPLY
 - LED = T24 QUALIFYING LED
 - MS = MOTION SENSOR
 - (N) = NEW
 - OH = OVERHANG
 - OS = OCCUPANCY SENSOR
 - PC = PHOTOCELL
 - (R) = REMODEL EXISTING
 - RO = ROUGH (DIMENSION OFF FRAMING)
 - SS = SANITARY SEWER
 - VS = VACANCY SENSOR
 - WH = WATER HEATER
 - WP = WATERPROOF/WEATHERPROOF
 - 1S, 1P = 1 SHELF, 1 POLE
 - 220V = 220 VOLT



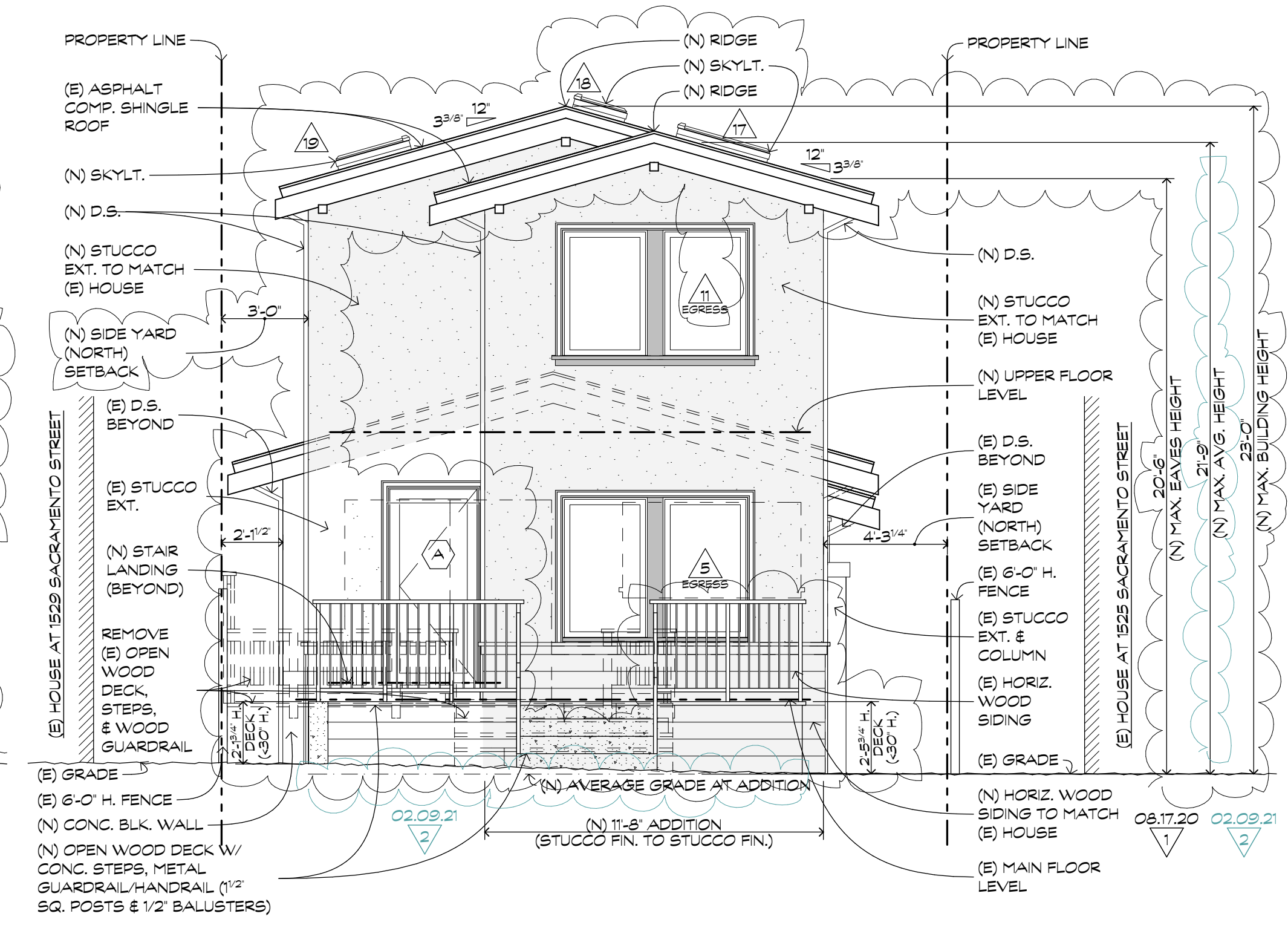
AUP APPLICATION SET REV2 02.09.21
 AUP APPLICATION SET REV1 08.17.20
 AUP APPLICATION SET 02.26.20

FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ 1527 SACRAMENTO STREET BERKELEY, CA 94702	DATE: 02.09.21 08.17.20 02.26.20
JASON KALDIS ARCHITECT, INC.	
1250 ADDISON STREET - STUDIO 210 BERKELEY, CA 94702 PH (510) 549-3584 FX (510) 549-3574 JASON@JKALDISARCHITECT.COM	
DRAWING TITLE: EXISTING MAIN FLOOR PLAN @ 1/4" = 1'-0" ARCHITECTURAL LEGEND	SHEET: 2A OF NUMBER: 18026



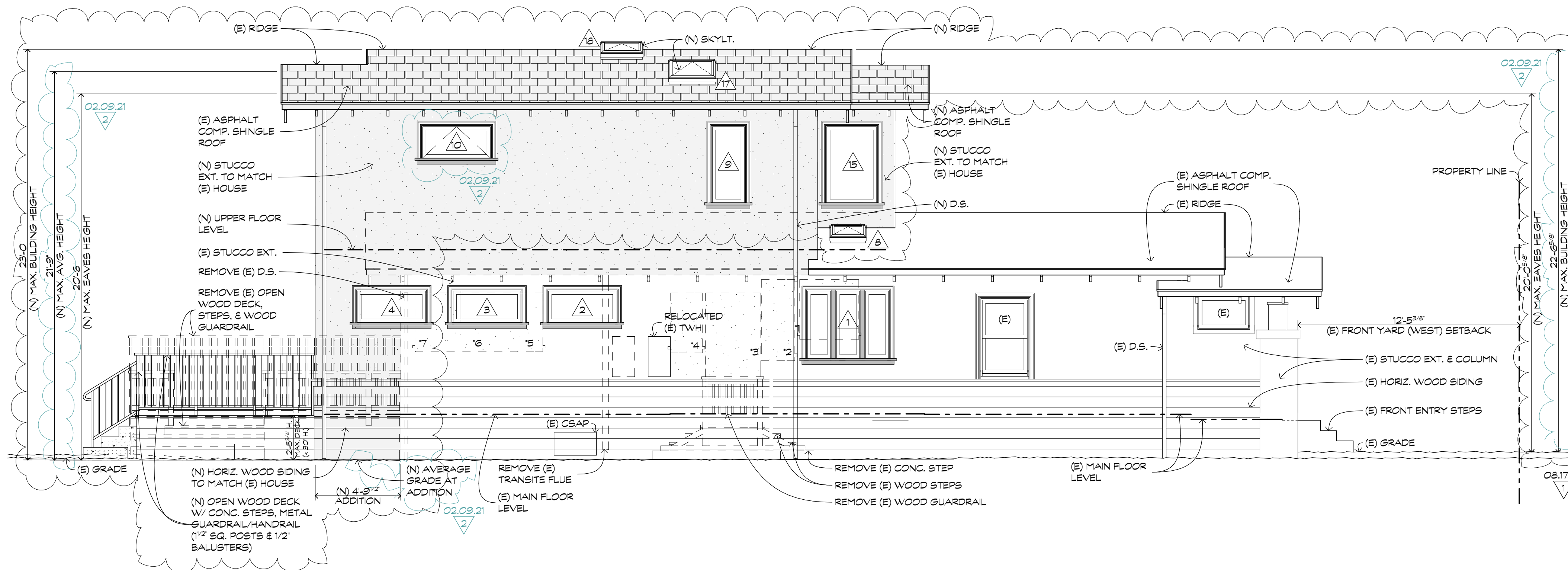
PROPOSED SOUTH EXTERIOR ELEVATION

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



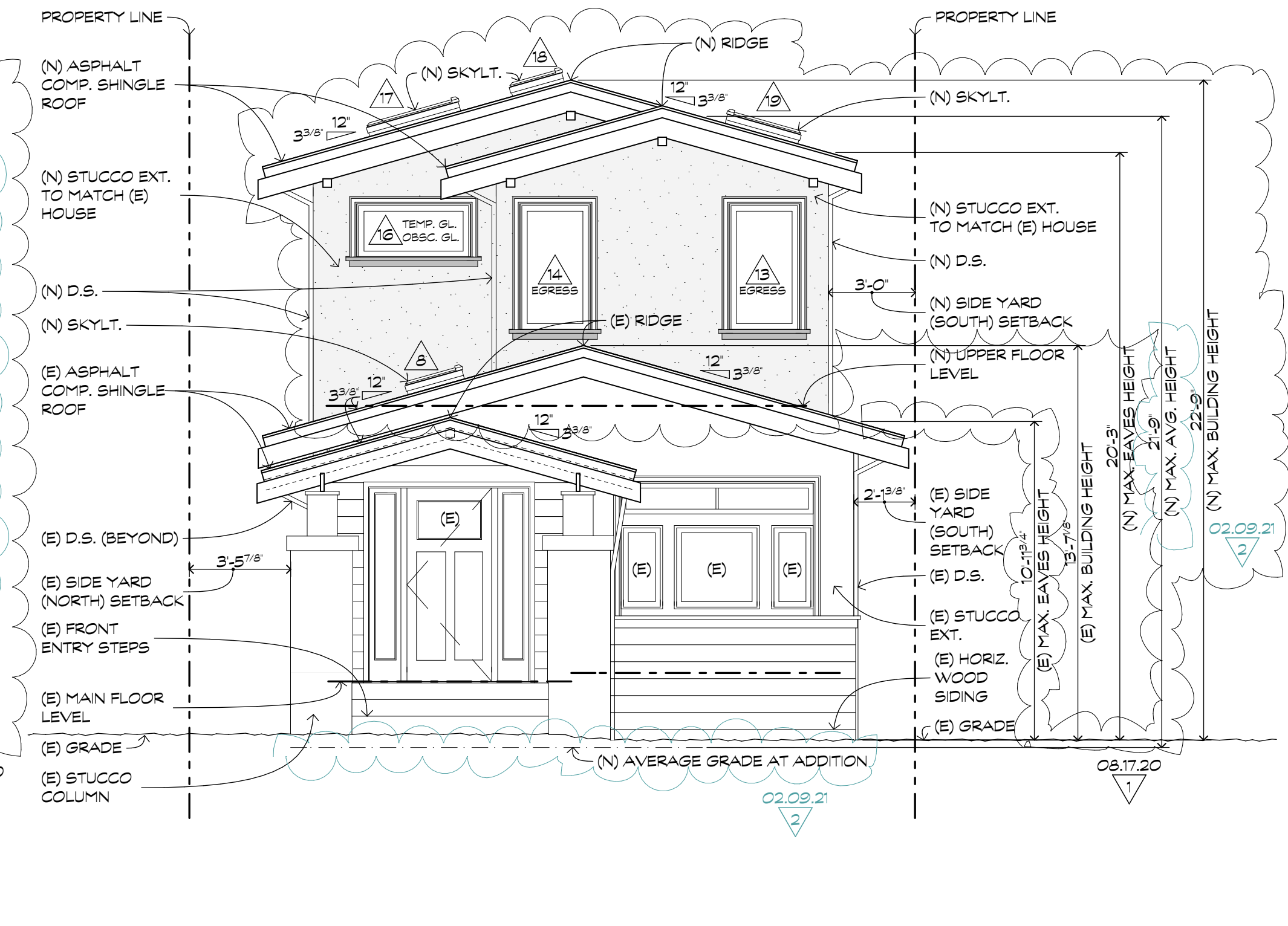
PROPOSED EAST EXTERIOR ELEVATION

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



PROPOSED NORTH EXTERIOR ELEVATION

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



PROPOSED WEST EXTERIOR ELEVATION

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

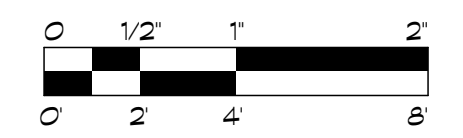
TYPICAL (N) EXTERIOR BUILDING MATERIALS

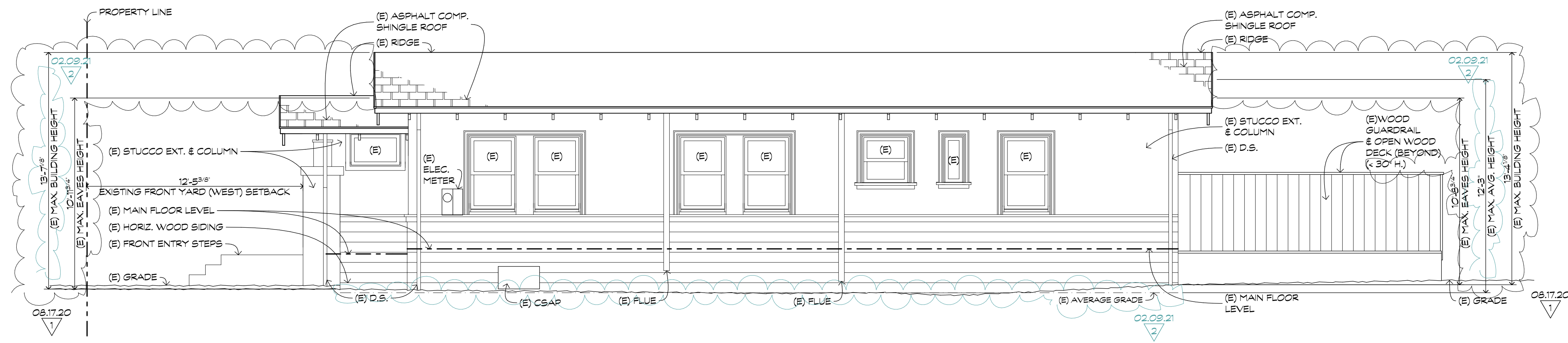
- (N) CLASS 'A' COMPOSITION SHINGLE ROOF
- (N) STUCCO, PAINTED (MATCH (E), TYP.)
- (E) HORIZONTAL WOOD EXT. WAINSCOT, PAINTED (MATCH (E), TYP.)
- (N) FIBERGLASS WINDOWS (AS MFRD. BY MARVIN ESSENTIALS (INTEGRITY ALL-ULTREX))
- SKYLIGHTS (AS MFRD. BY VELUX)
- (N) WOOD/GLAD WOOD DOORS
- (N) PAINTED EXTERIOR CASING (MATCH (E), TYP.)
- (N) G.S.M. FOUNDATION VENTS
- (N) CONCRETE LANDING & STAIRS
- (N) OPEN WOOD DECK, GUARDRAIL, BALUSTERS, & WOOD/CONC. STEPS
- (N) GUTTERS, & DOWNSPOUTS
- (N) PAINTED/STAINED WOOD CORBELS/BRACKETS (MATCH (E), TYP.)
- (N) WALL MTD. LIGHTING

AUP APPLICATION SET REV2 02.09.21
 AUP APPLICATION SET REV1 08.17.20
 AUP APPLICATION SET 02.26.20

FOR ADDRESS: 1527 SACRAMENTO STREET, BERKELEY, CA 94702
 DATE: 02.09.21
 PROPOSED EXTERIOR ELEVATIONS
 @ 1/4" = 1'-0"
 TYPICAL (N) EXTERIOR BUILDING MATERIALS
 DRAWN BY: J.K.
 SHEET: 3
 OF: 18026

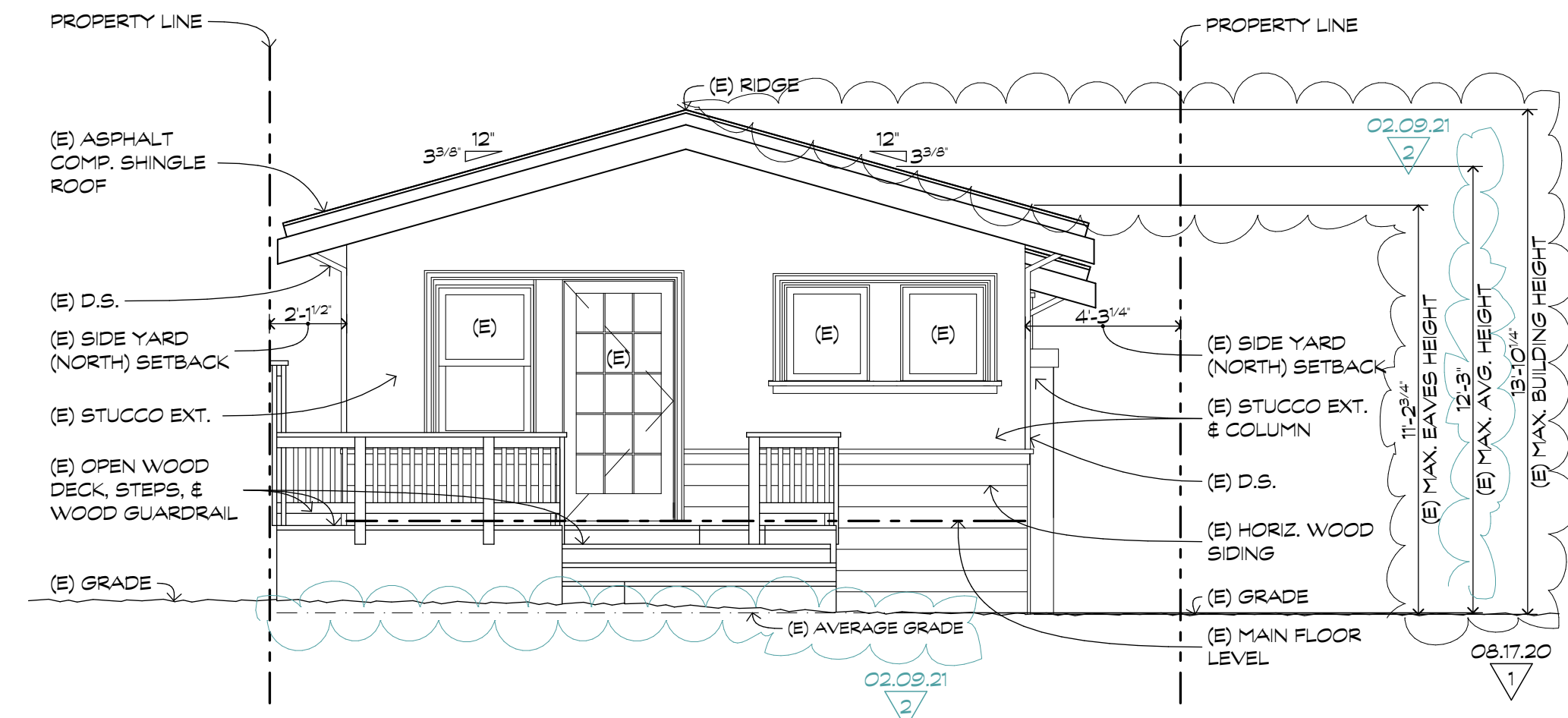
JASON KALDIS ARCHITECT, INC.
 1250 ADDISON STREET - STUDIO 210
 BERKELEY, CA 94702
 PH (510) 549-3584 FX (510) 549-3574
 JASON@JKALDISARCHITECT.COM





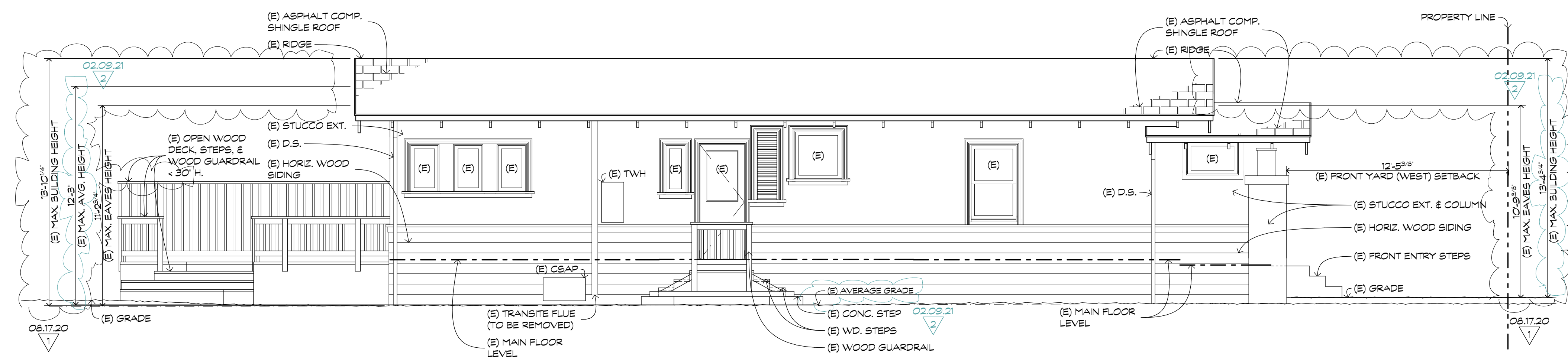
EXISTING SOUTH EXTERIOR ELEVATION

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



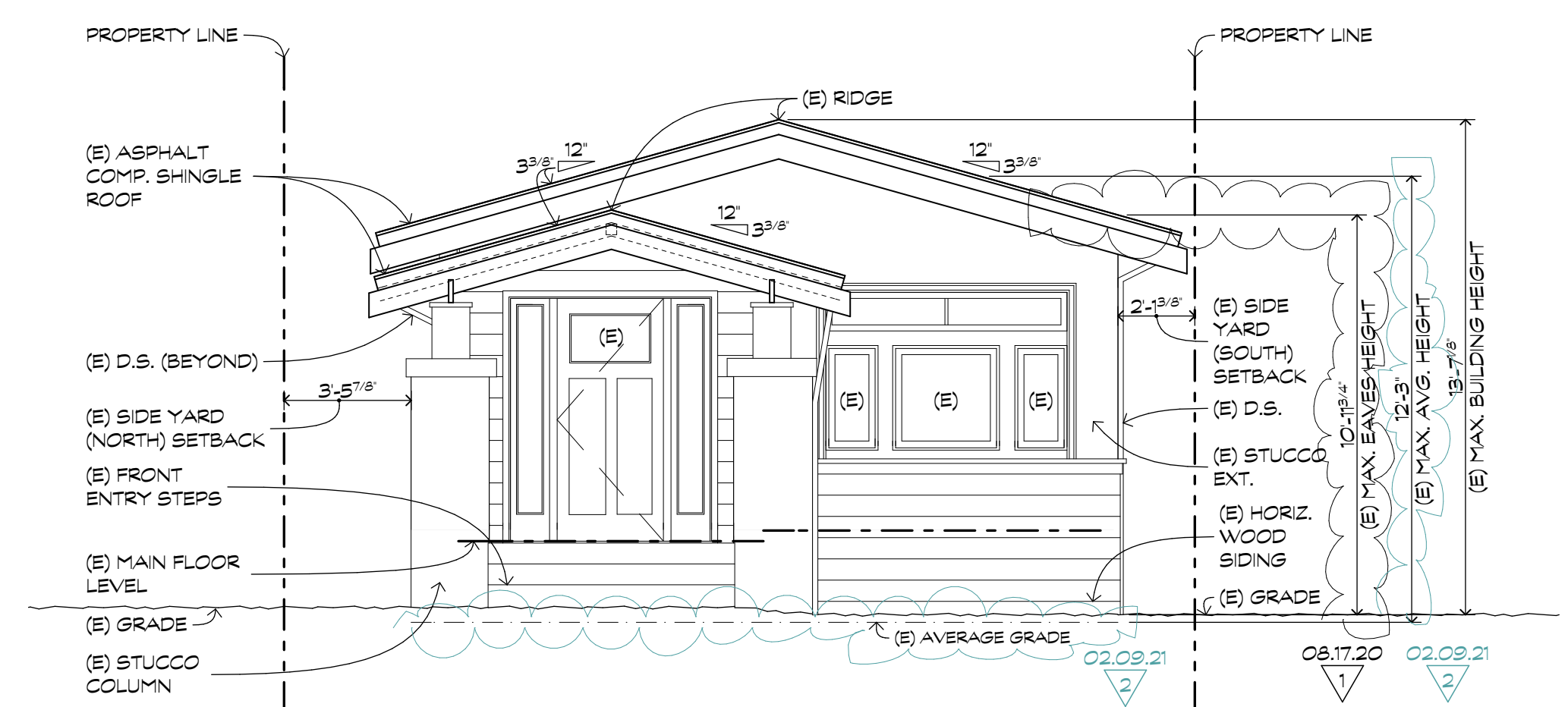
EXISTING EAST EXTERIOR ELEVATION

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



EXISTING NORTH EXTERIOR ELEVATION

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

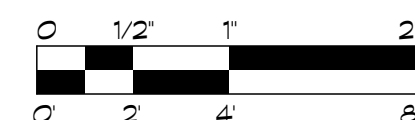


EXISTING WEST EXTERIOR ELEVATION

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

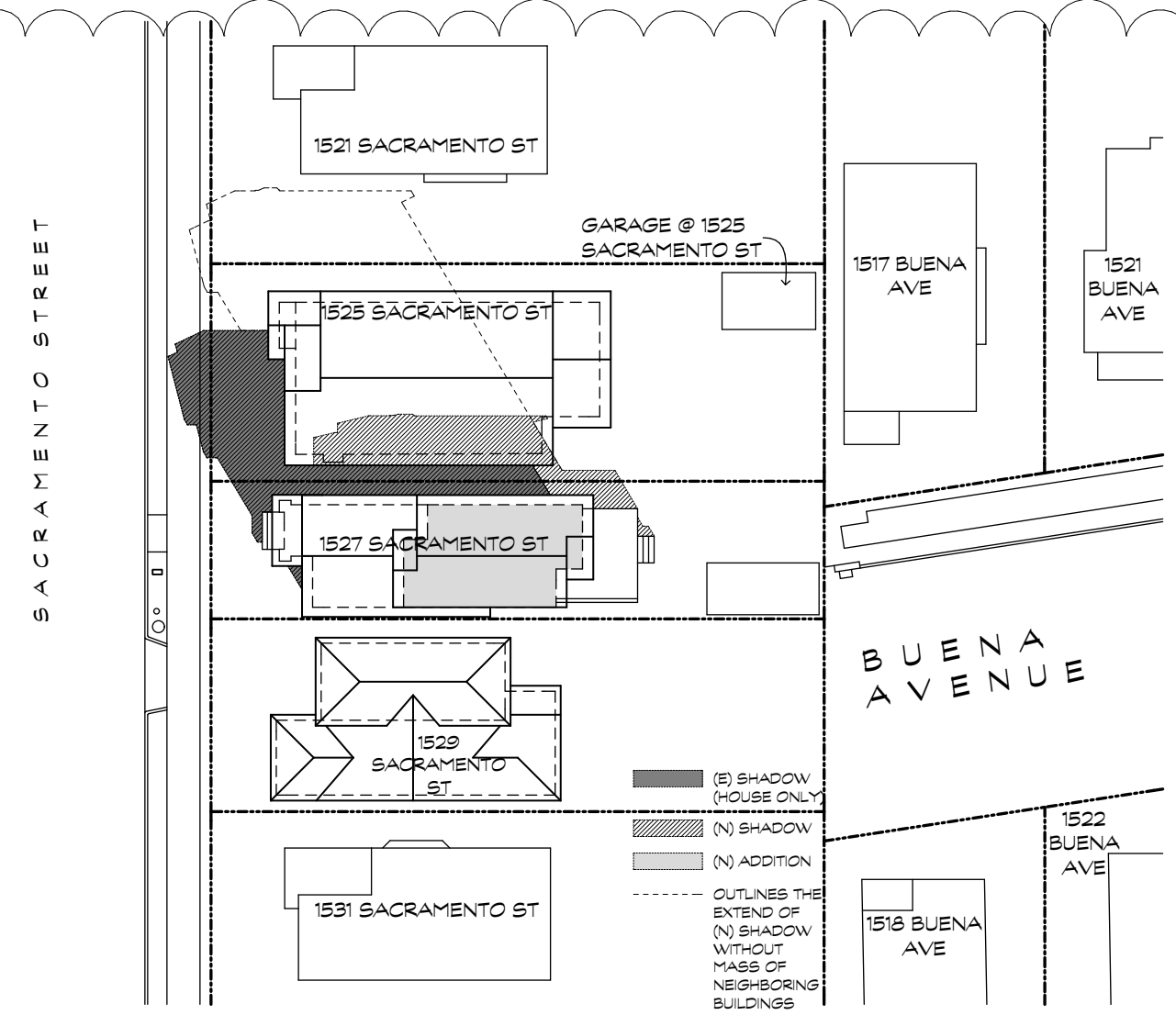
TYPICAL (E) EXTERIOR BUILDING MATERIALS

- (E) CLASS 'A' COMPOSITION SHINGLE ROOF
- (E) STUCCO, PAINTED
- (E) HORIZONTAL WOOD EXT. WAINSCOT, PAINTED
- (E) WOOD WINDOWS
- (E) WOOD DOORS
- (E) PAINTED EXTERIOR CASING
- (E) G.S.M. FOUNDATION VENTS & LOUVERED ATTIC VENT
- (E) BRICK LANDING & STEPS
- (E) OPEN WOOD DECK, GUARDRAIL, BALLUSTERS & WOOD STEPS
- (E) GUTTERS, & DOWNSPOUTS
- (E) PAINTED/STAINED WOOD CORBELS/BRAKETS
- (E) WALL MTD. LIGHTING AT (E) DECK

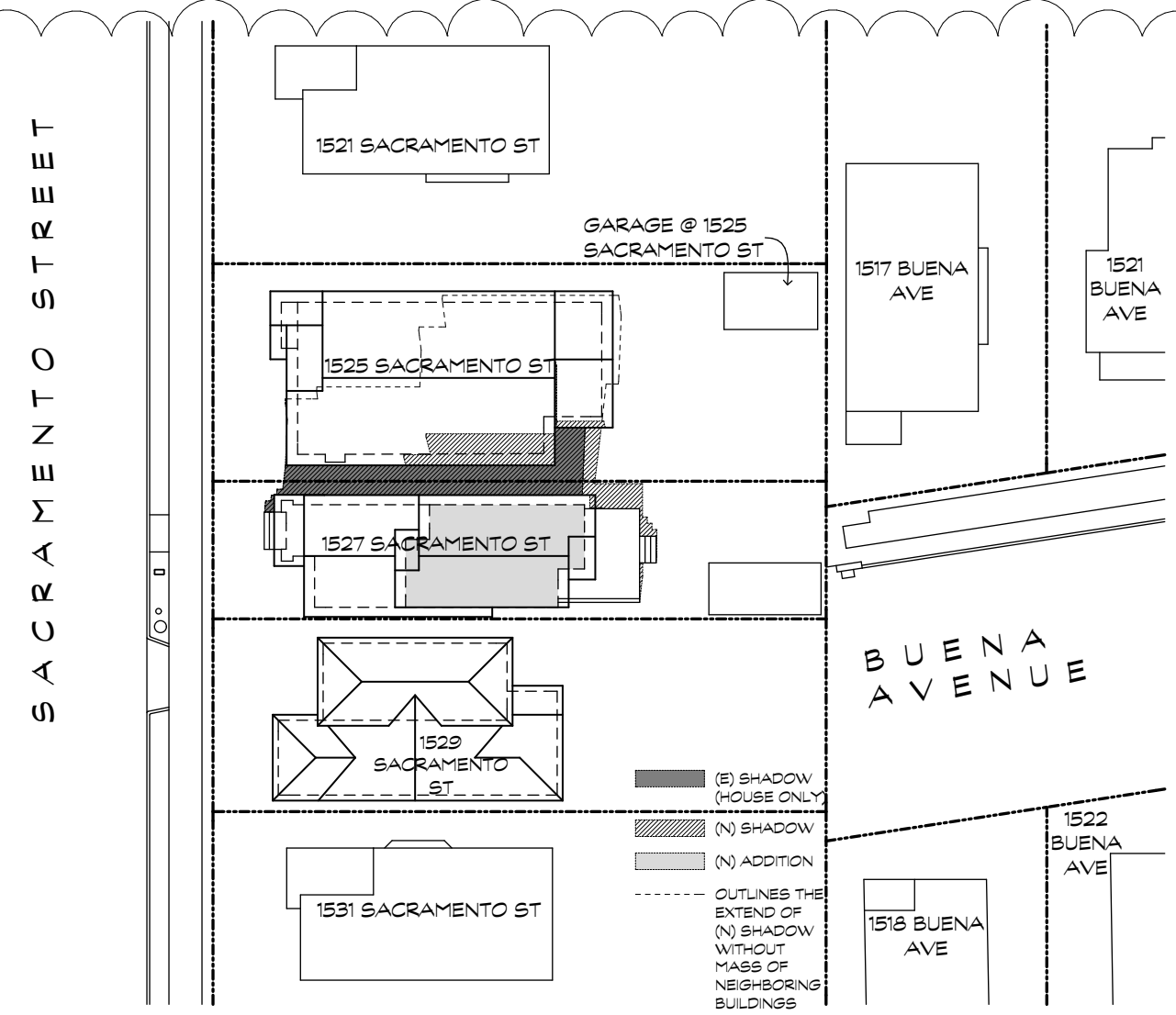


AUP APPLICATION SET REV2 02.09.21
 AUP APPLICATION SET REV1 08.17.20
 AUP APPLICATION SET 02.26.20

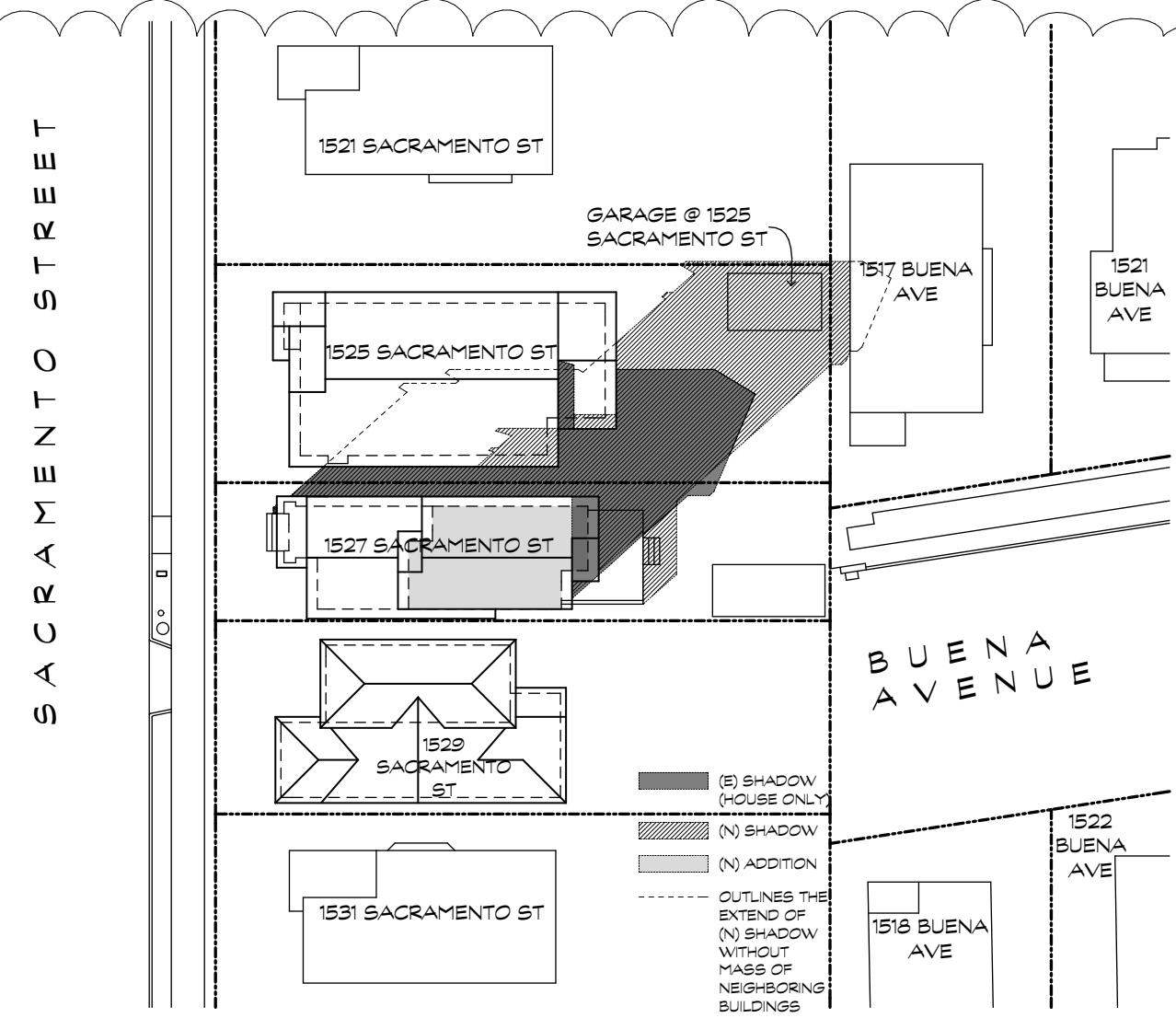
FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ 1527 SACRAMENTO STREET BERKELEY, CA 94702	DATE: 02.09.21 08.17.20 02.26.20
JASON KALDIS ARCHITECT, INC.	
1250 ADDISON STREET - STUDIO 210 BERKELEY, CA 94702 PH (510) 549-3584 FX (510) 549-3574 JASON@JKALDISARCHITECT.COM	
DRAWING TITLE: EXISTING EXTERIOR ELEVATIONS @ 1/4" = 1'-0" TYPICAL (N) EXTERIOR BUILDING MATERIALS	SHEET: 3A OF SHEETS: 18026



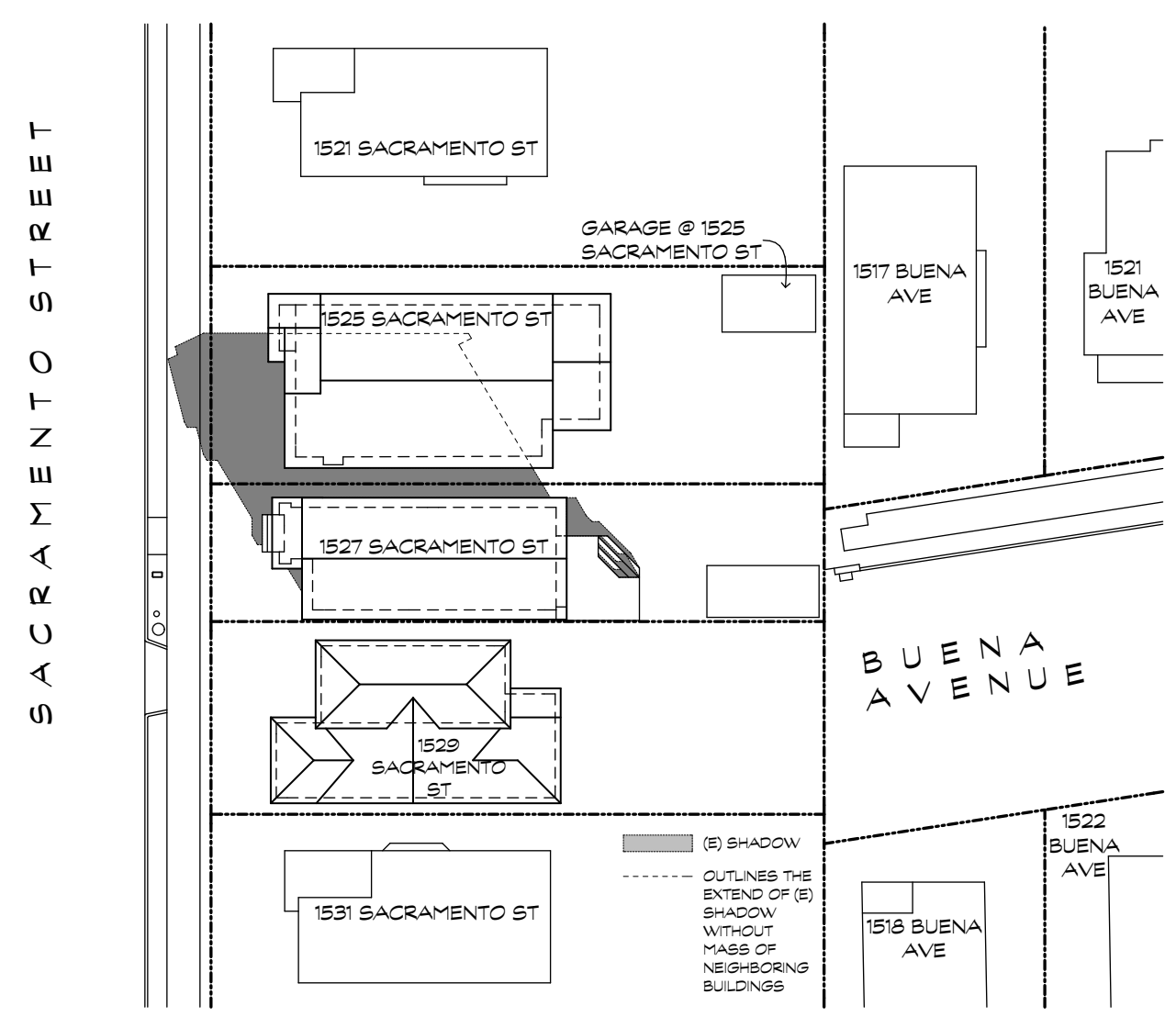
1A DECEMBER 21 @ 9:21 AM
(2 HOURS AFTER SUNRISE)
SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



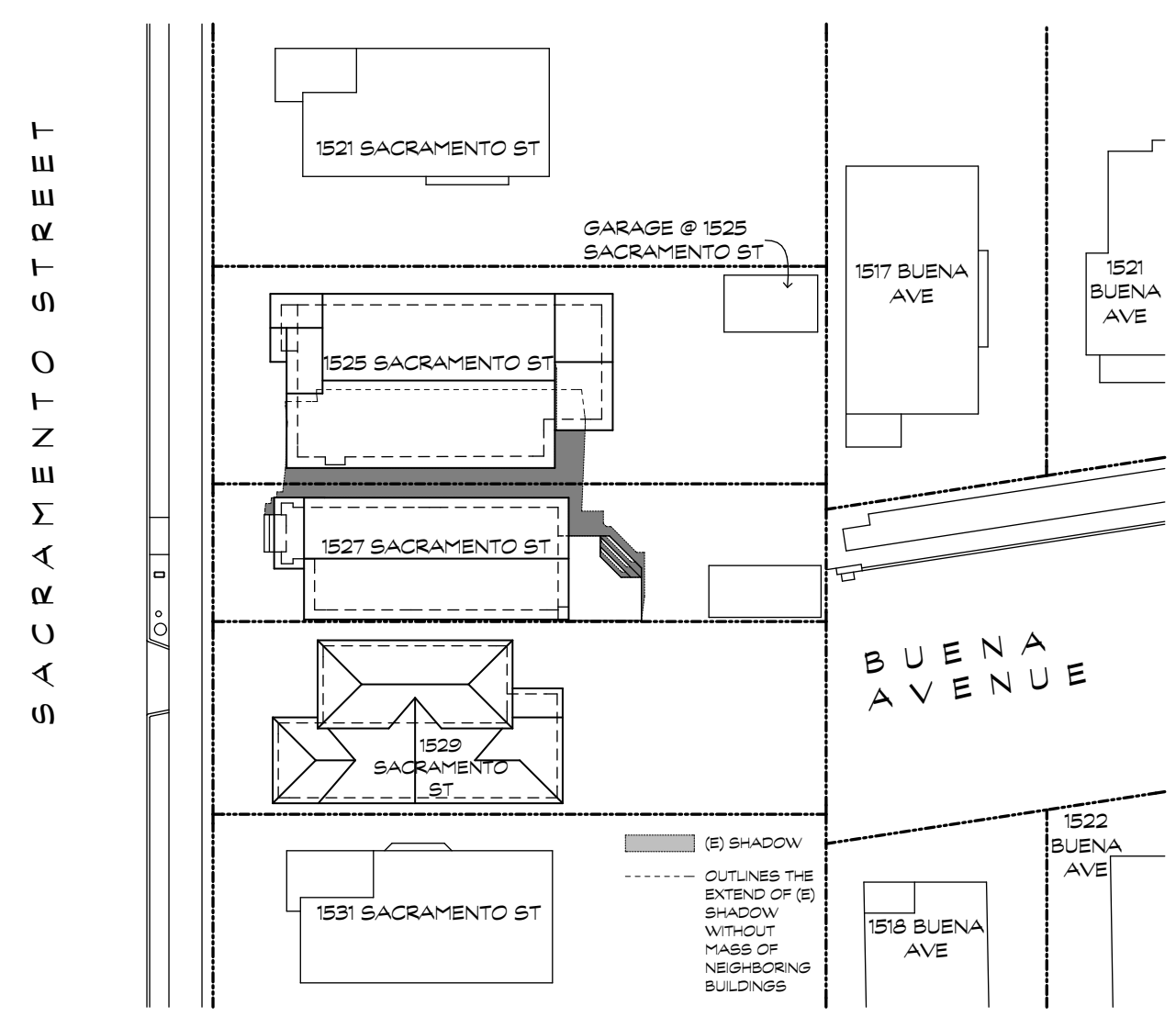
1B DECEMBER 21 @ 12:00 PM
(NOON)
SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



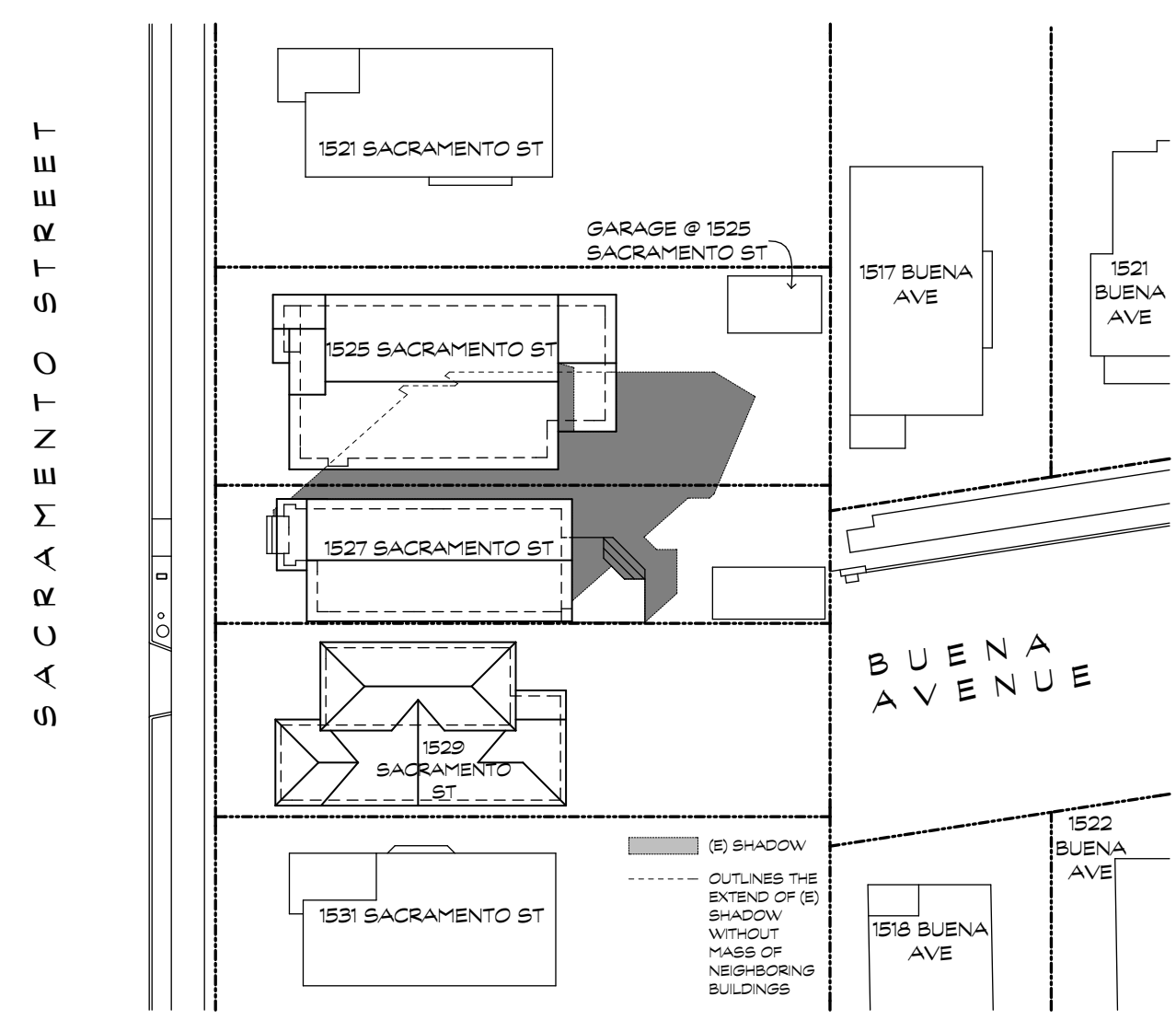
1C DECEMBER 21 @ 2:54 PM
(2 HOURS BEFORE SUNSET)
SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



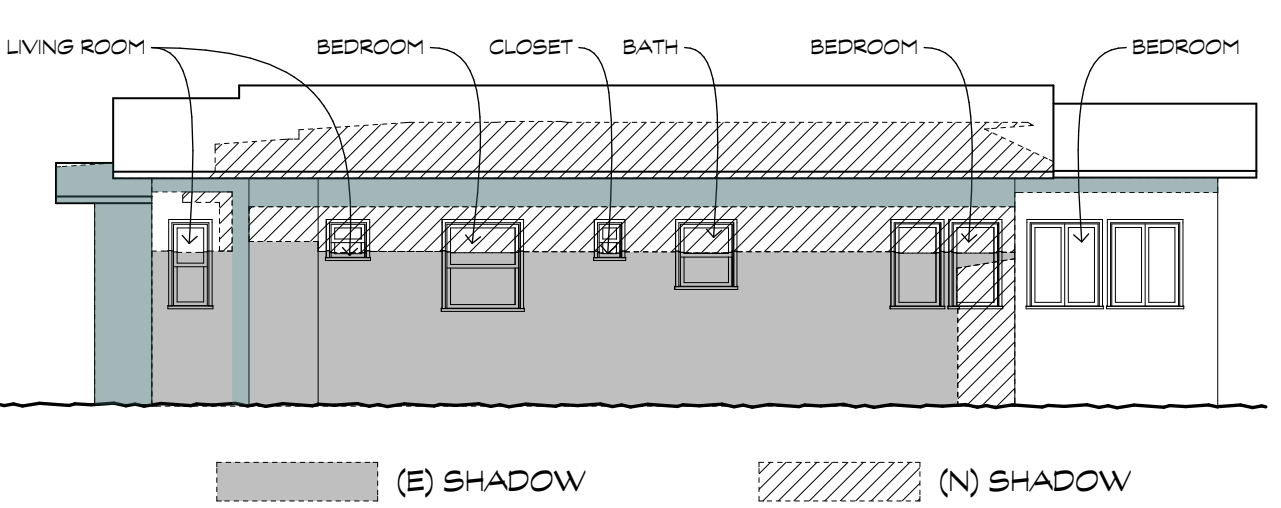
2A DECEMBER 21 @ 9:21 AM
(2 HOURS AFTER SUNRISE)
SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



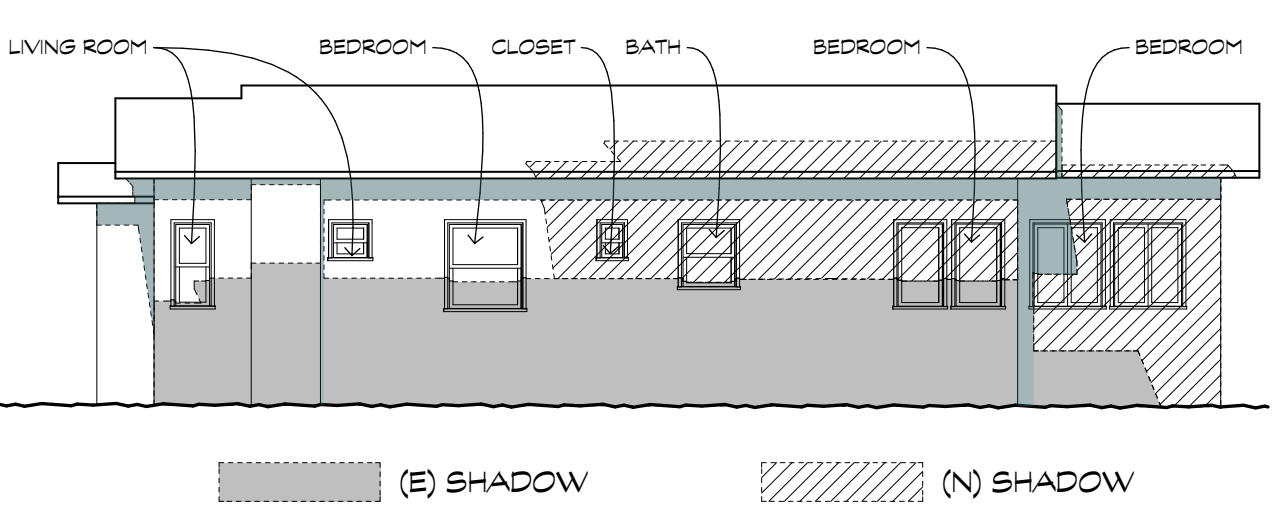
2B DECEMBER 21 @ 12:00 PM
(NOON)
SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



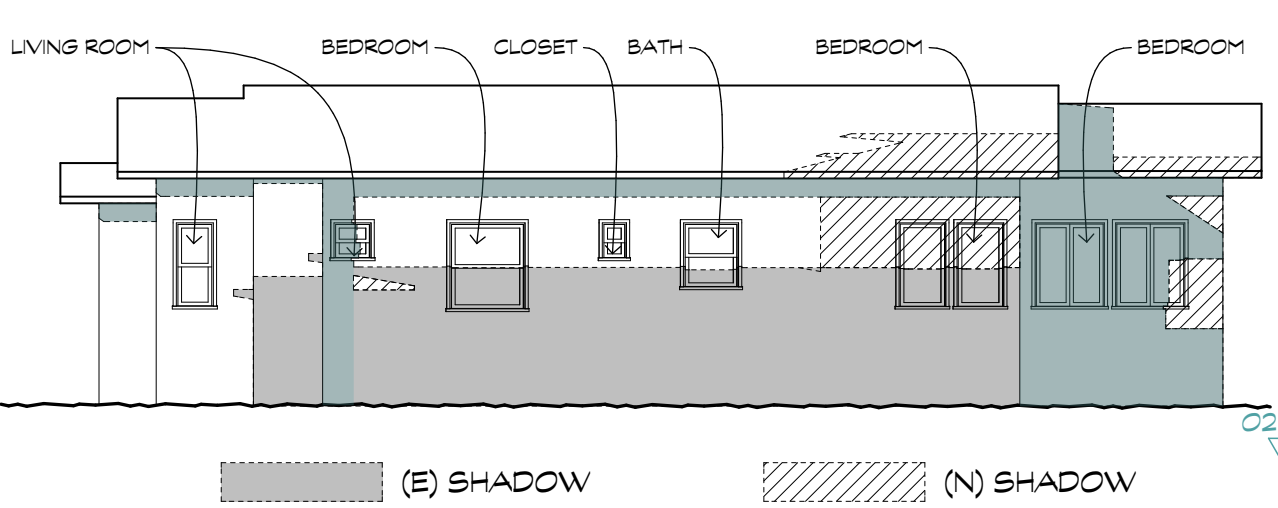
2C DECEMBER 21 @ 2:54 PM
(2 HOURS BEFORE SUNSET)
SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



3A EXISTING 1525 SACRAMENTO
SOUTH ELEVATION
DECEMBER 21 @ 9:21 AM
(2 HOURS AFTER SUNRISE)

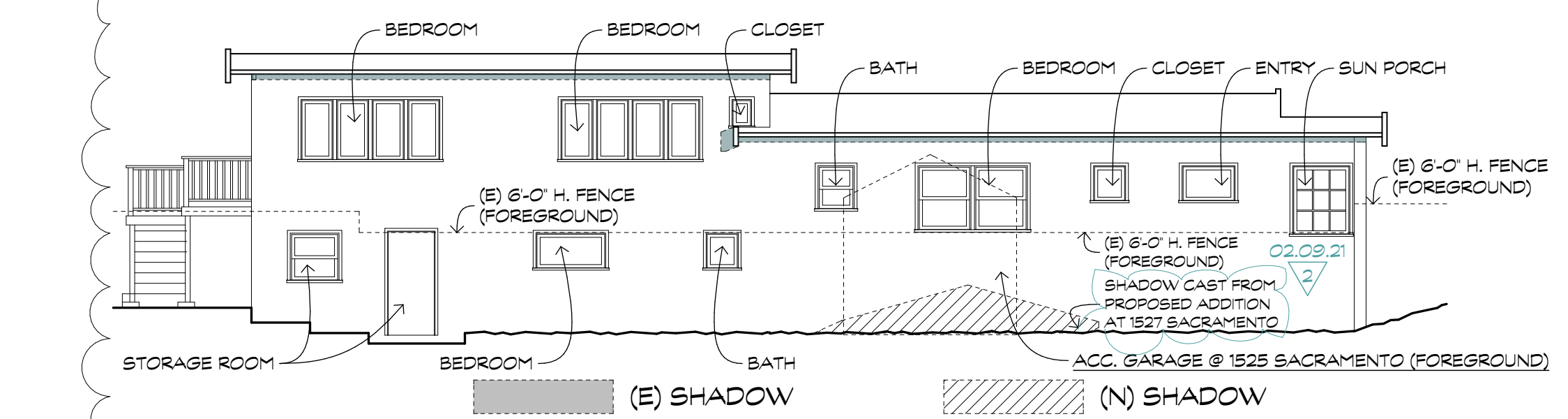


3B EXISTING 1525 SACRAMENTO
SOUTH ELEVATION
DECEMBER 21 @ 12:00 PM (NOON)

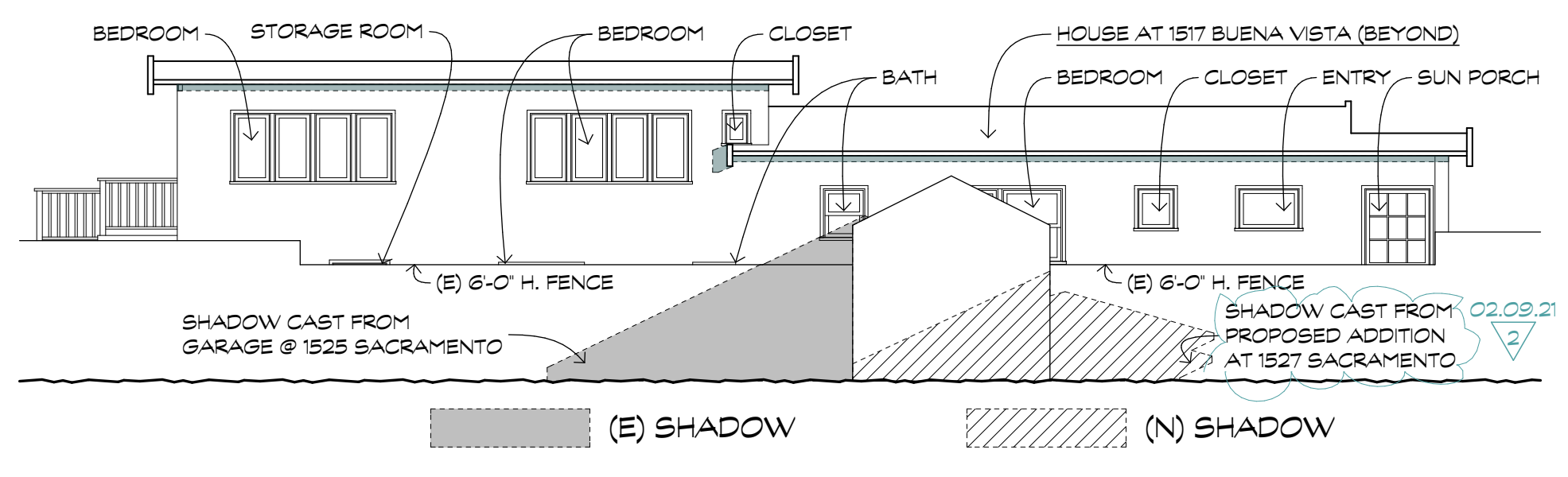


3C EXISTING 1525 SACRAMENTO
SOUTH ELEVATION
DECEMBER 21 @ 2:54 PM
(2 HOURS BEFORE SUNSET)

NOTE: SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBORS OWN HOUSE



5C EXISTING 1517 BUENA VISTA - WEST ELEVATION
DECEMBER 21 @ 2:54 PM (2 HOURS BEFORE SUNSET)



4C EXISTING ACCESSORY GARAGE @ 1525 SACRAMENTO
WEST ELEVATION (1517 BUENA VISTA BEYOND)
DECEMBER 21 @ 2:54 PM (2 HOURS BEFORE SUNSET)

08.17.20

AUP APPLICATION SET REV 2 02.09.21
AUP APPLICATION SET REV 1 08.17.20
AUP APPLICATION SET 02.26.20

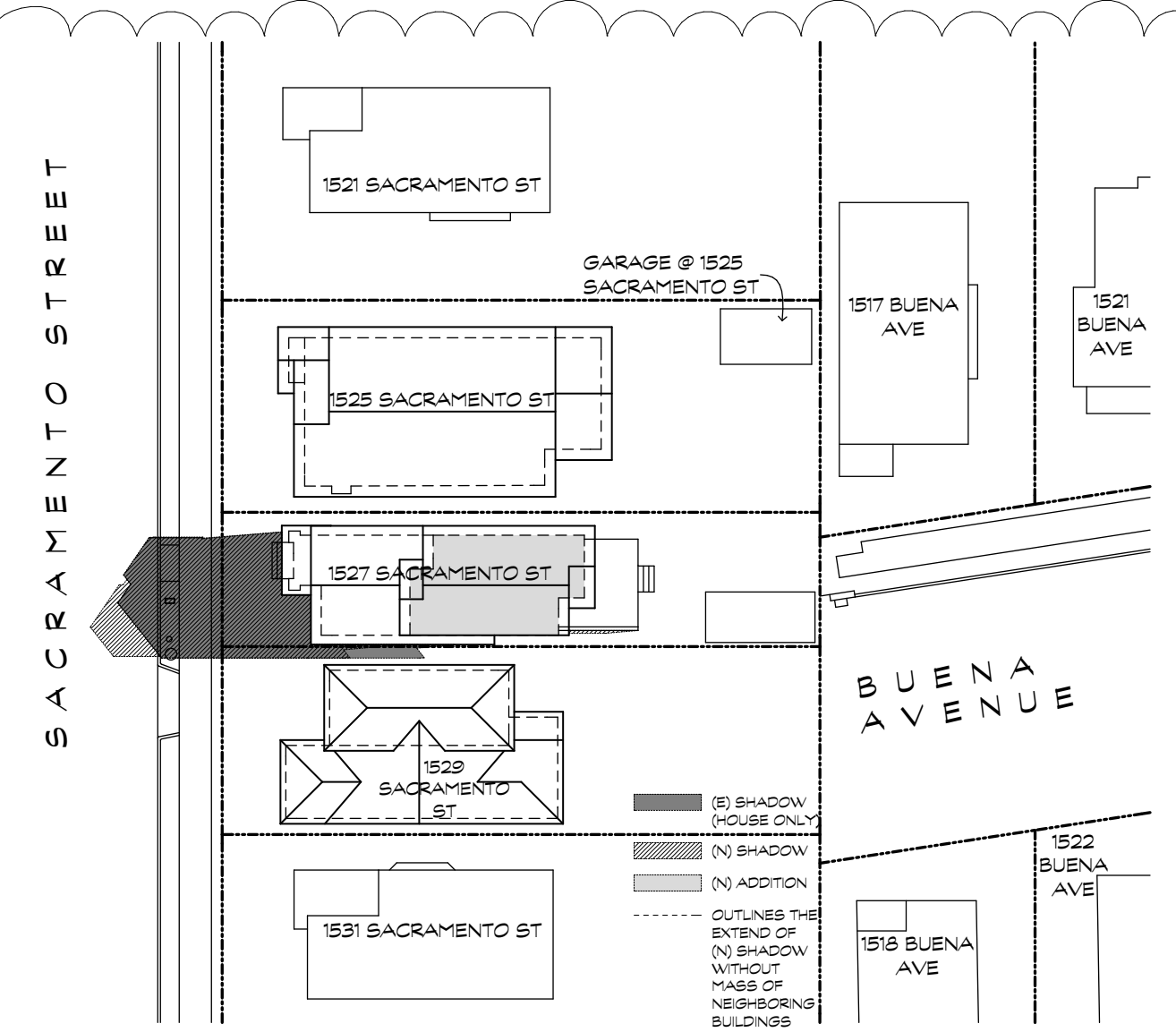
FOR ADDRESS:
ADDITION & REMODEL FOR
ANNA TALAMO & JONATHAN
LIPSCHUTZ
1527 SACRAMENTO STREET
BERKELEY, CA 94702

DATE:
02.09.21
08.17.20
02.26.20

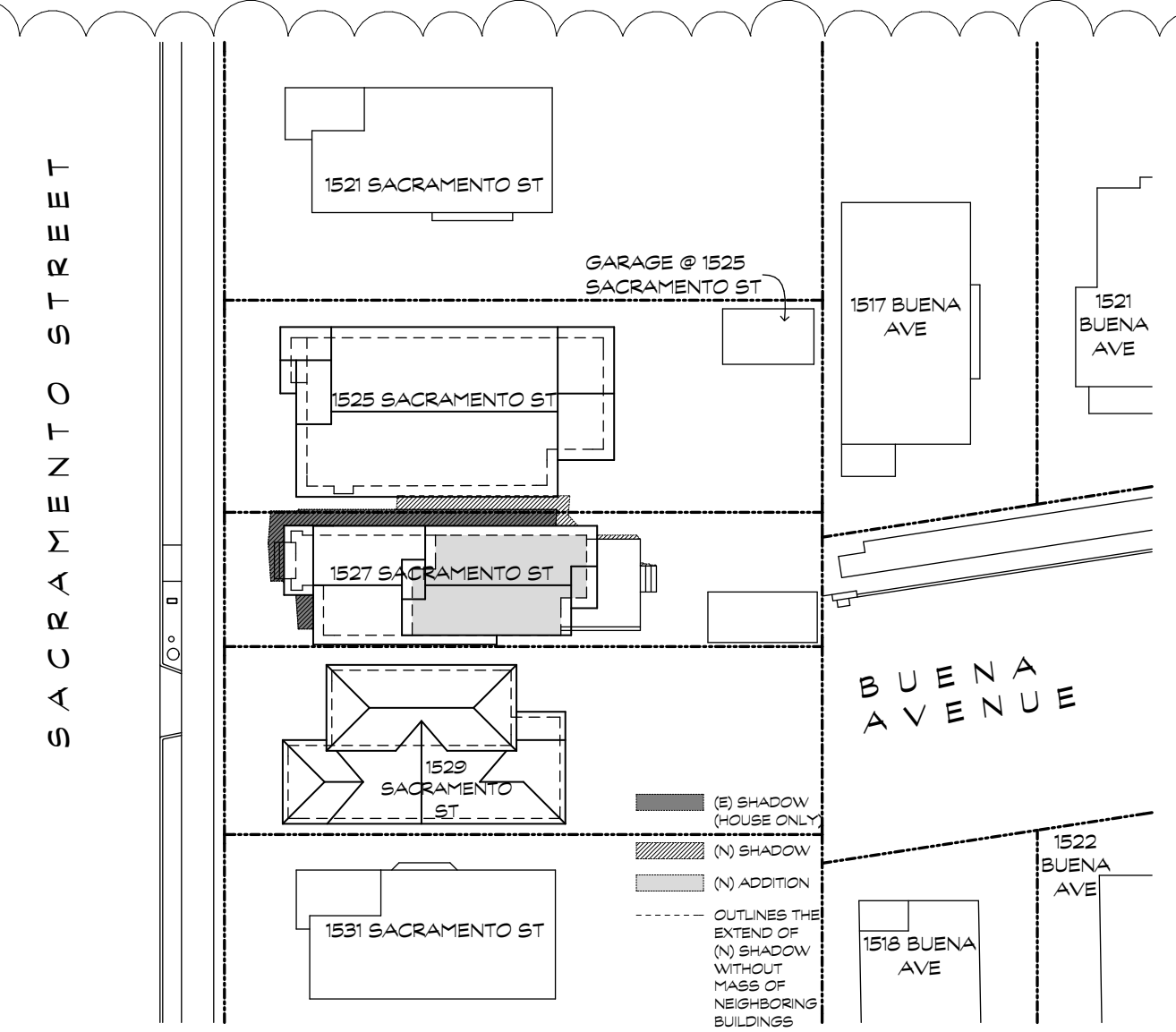
DRAWN BY:
JASON KALDIS ARCHITECT.COM

**JASON KALDIS
ARCHITECT, INC.**
1250 ADDISON STREET - STUDIO 210
BERKELEY, CA 94702
PH (510) 549-3584 FX (510) 549-3574
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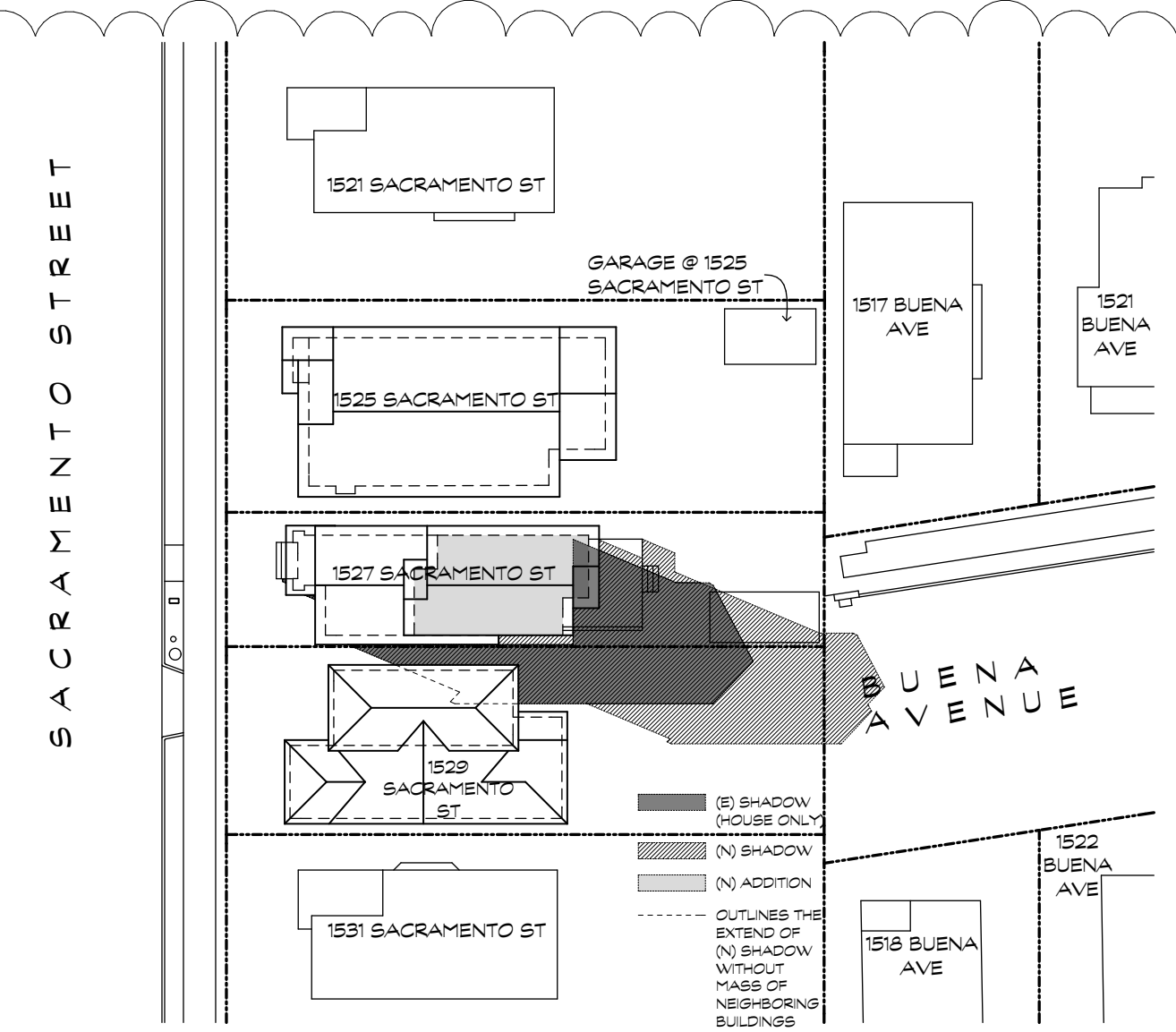
DRAWING TITLE: SHADOW STUDY DIAGRAMS SHEET: **0.1**
BY: DATE: 08.17.20 18026



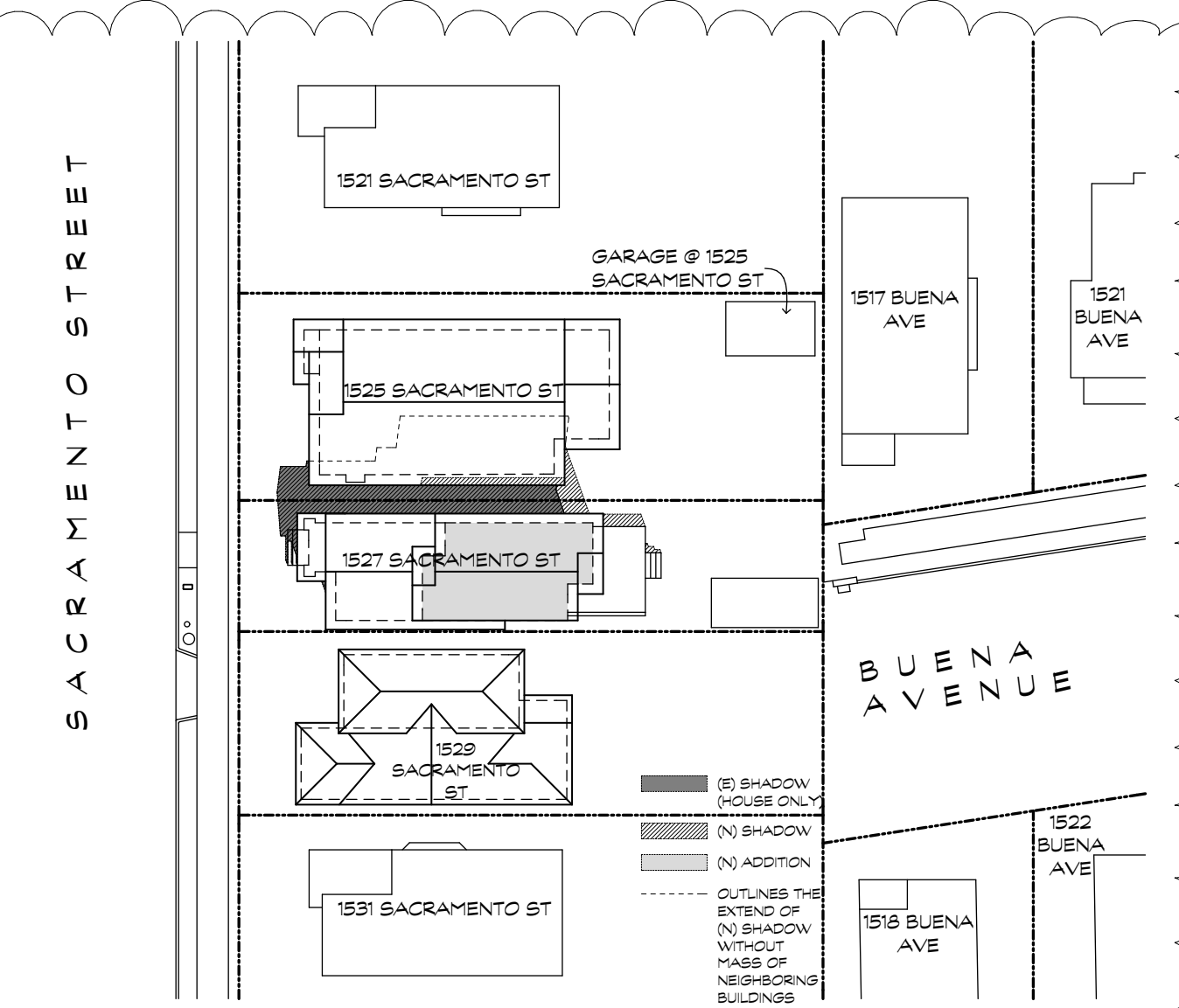
1A JUNE 21 @ 7:47 AM
(2 HOURS AFTER SUNRISE)
SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



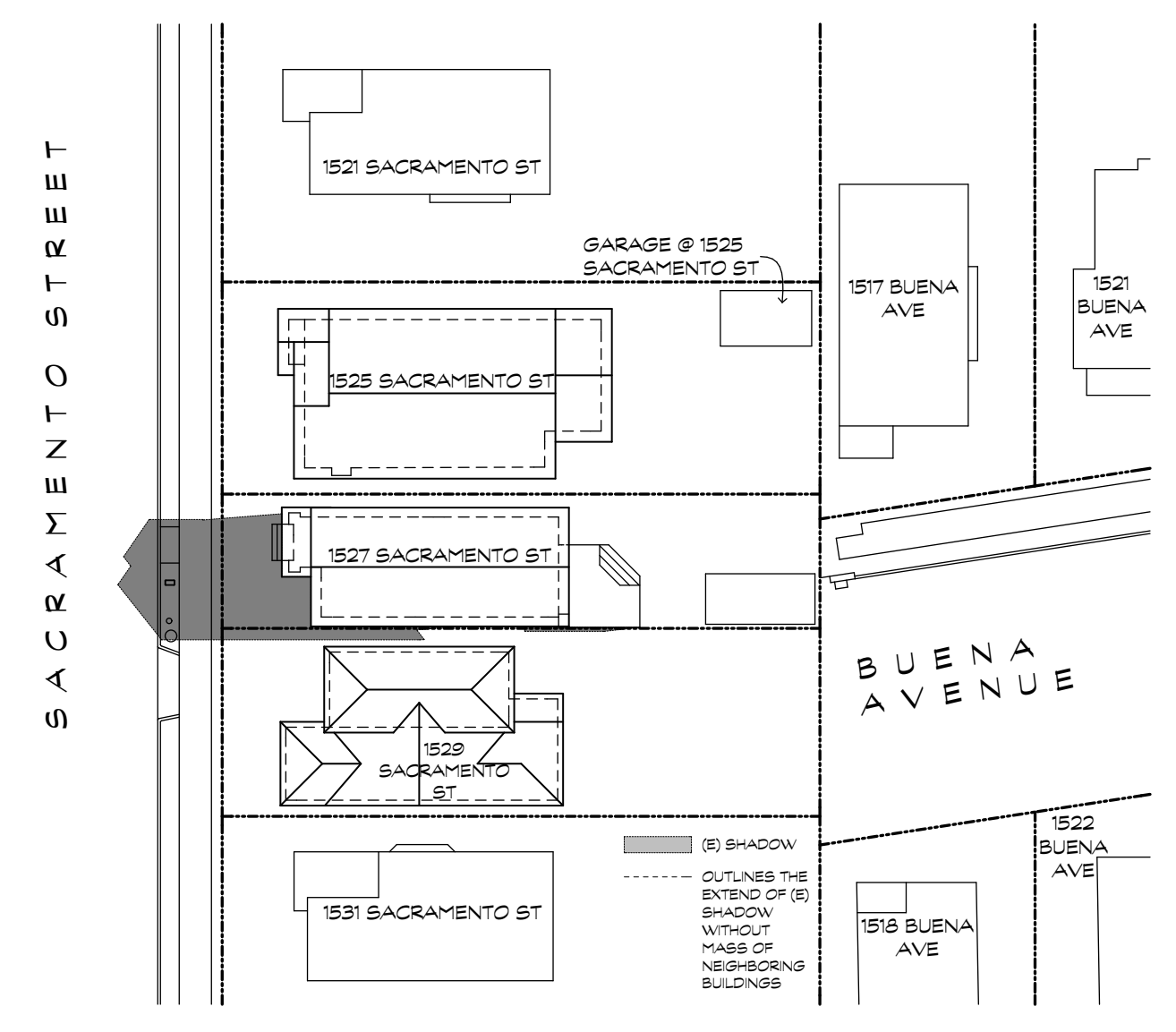
1B JUNE 21 @ 12:00 PM (NOON)
SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



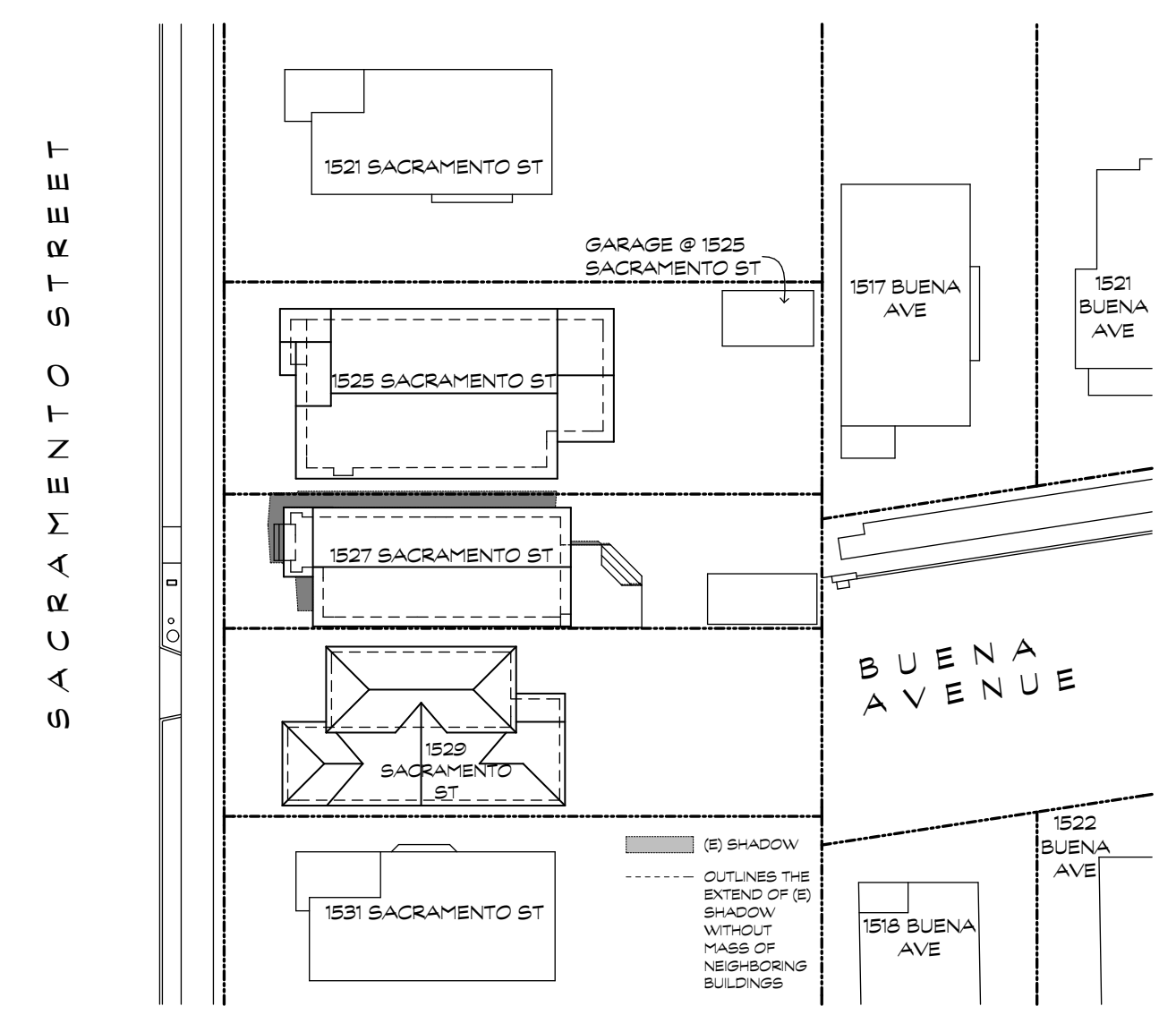
1C JUNE 21 @ 6:35 PM
(2 HOURS BEFORE SUNSET)
SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



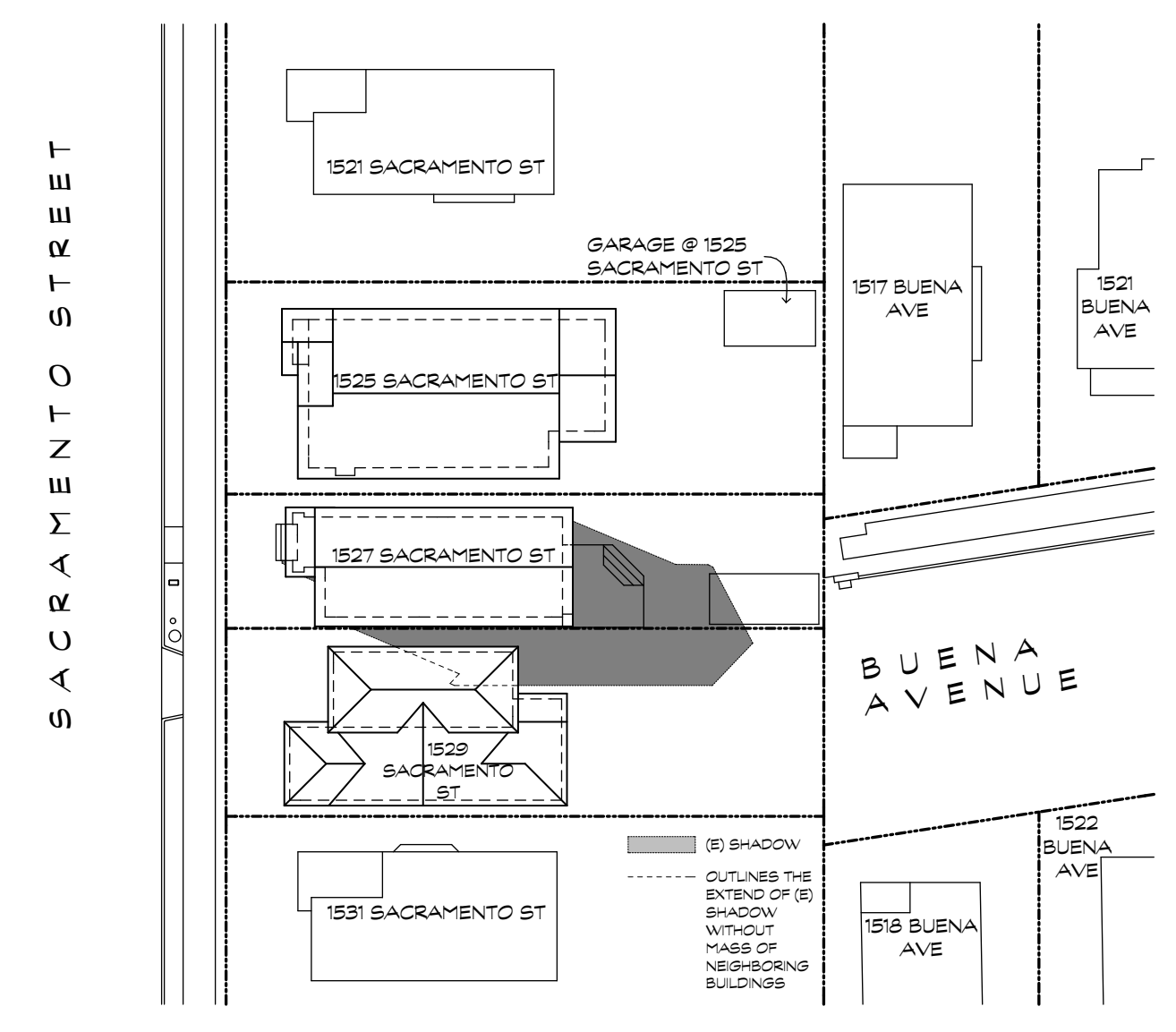
1D MARCH 13 @ 12:00 PM (NOON)
SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



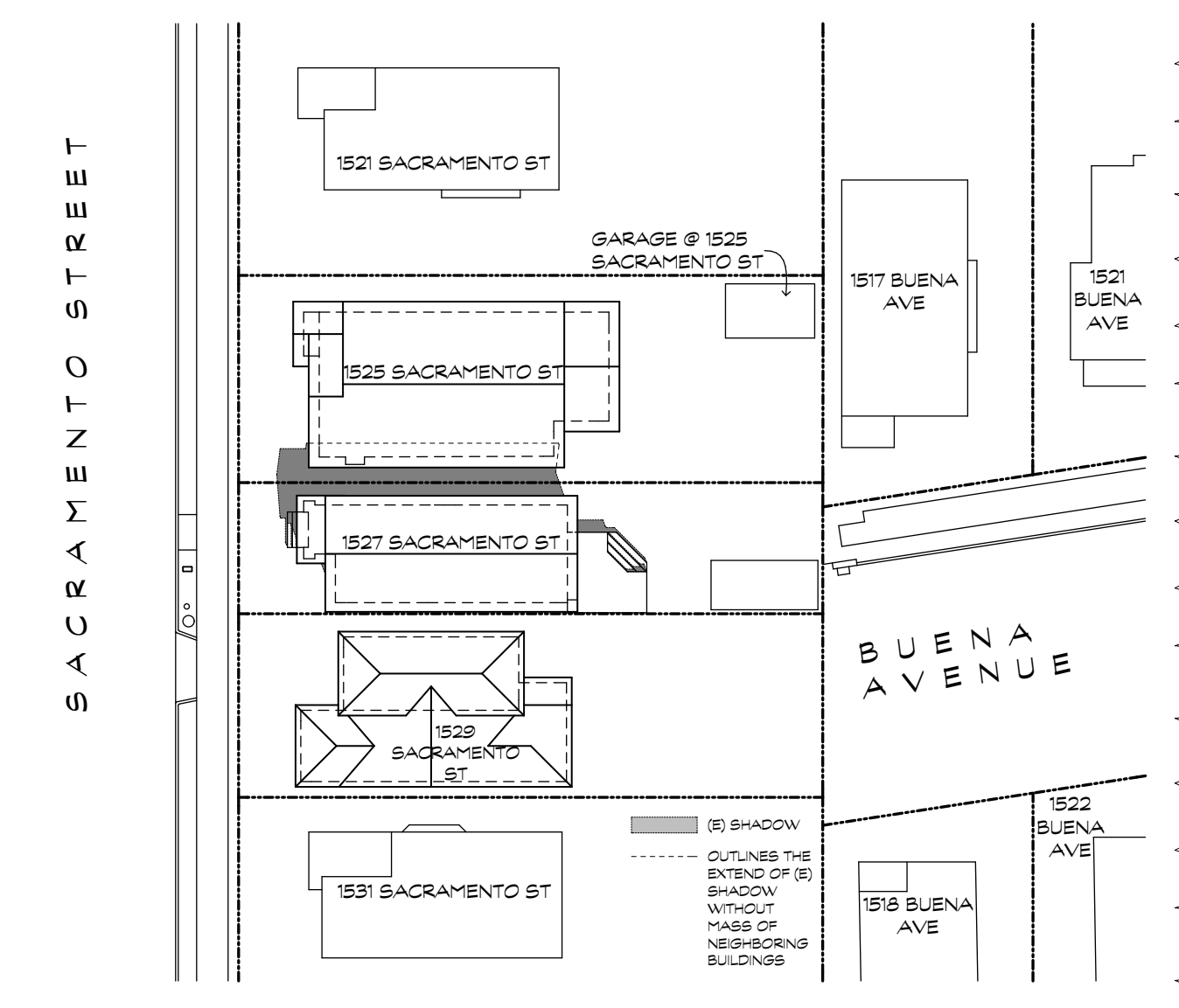
2A JUNE 21 @ 7:47 AM
(2 HOURS AFTER SUNRISE)
SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



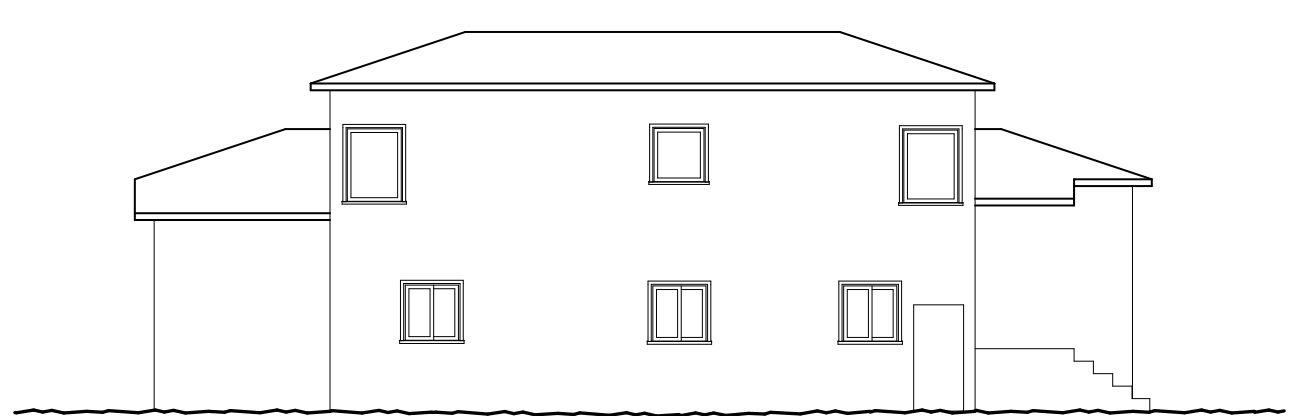
2B JUNE 21 @ 12:00 PM (NOON)
SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



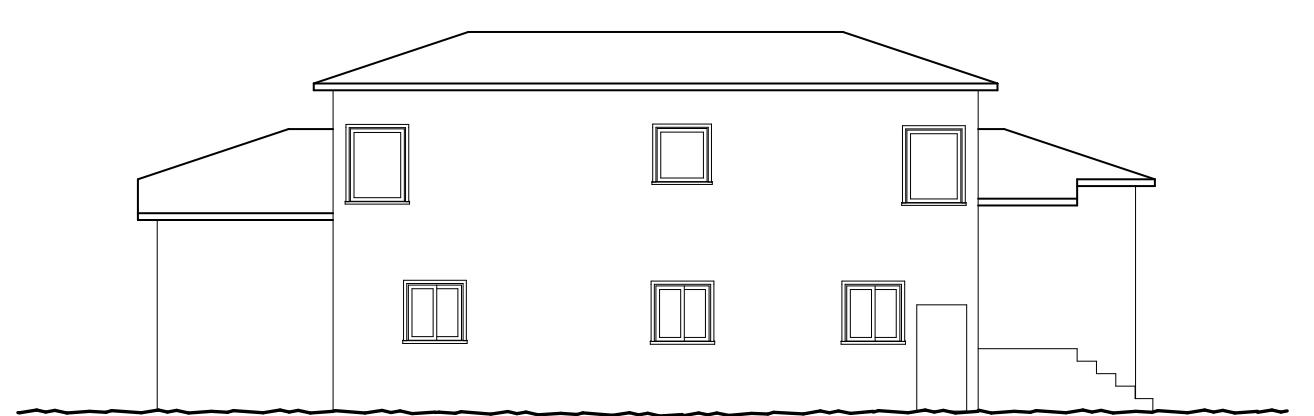
2C JUNE 21 @ 6:35 PM
(2 HOURS BEFORE SUNSET)
SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



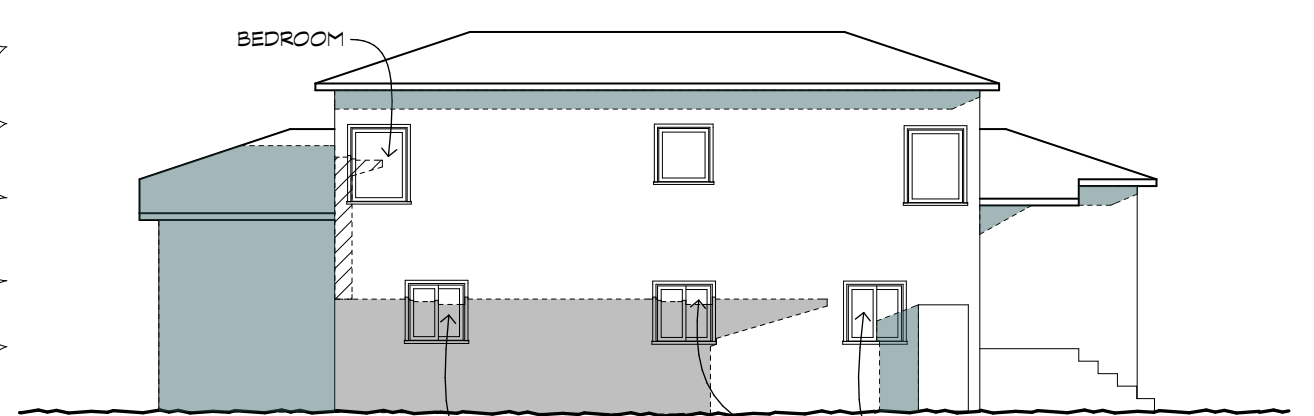
2D MARCH 13 @ 12:00 PM (NOON)
SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



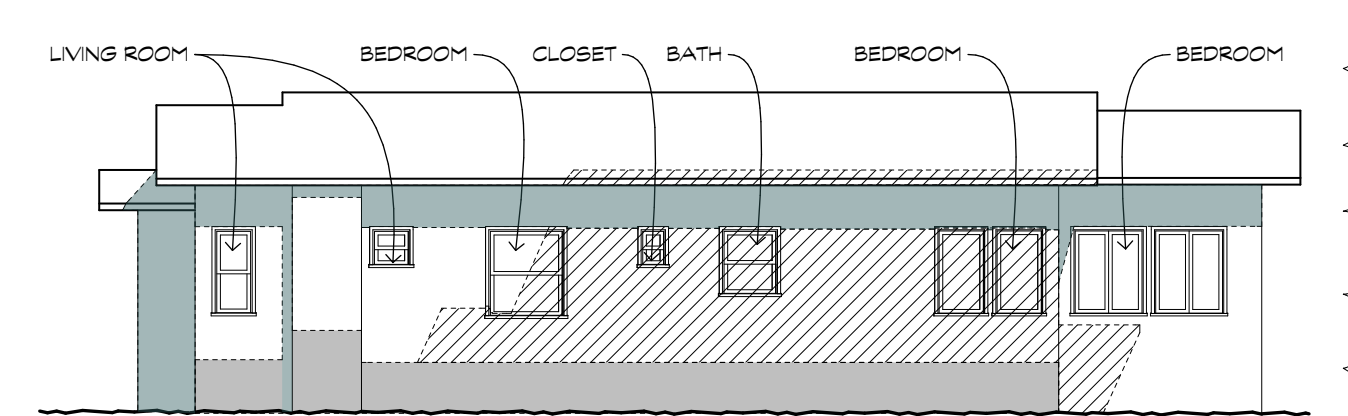
3A EXISTING 1529 SACRAMENTO
NORTH ELEVATION
JUNE 21 @ 7:47 AM
(2 HOURS AFTER SUNRISE)



3B EXISTING 1529 SACRAMENTO
NORTH ELEVATION
JUNE 21 @ 12:00 PM (NOON)



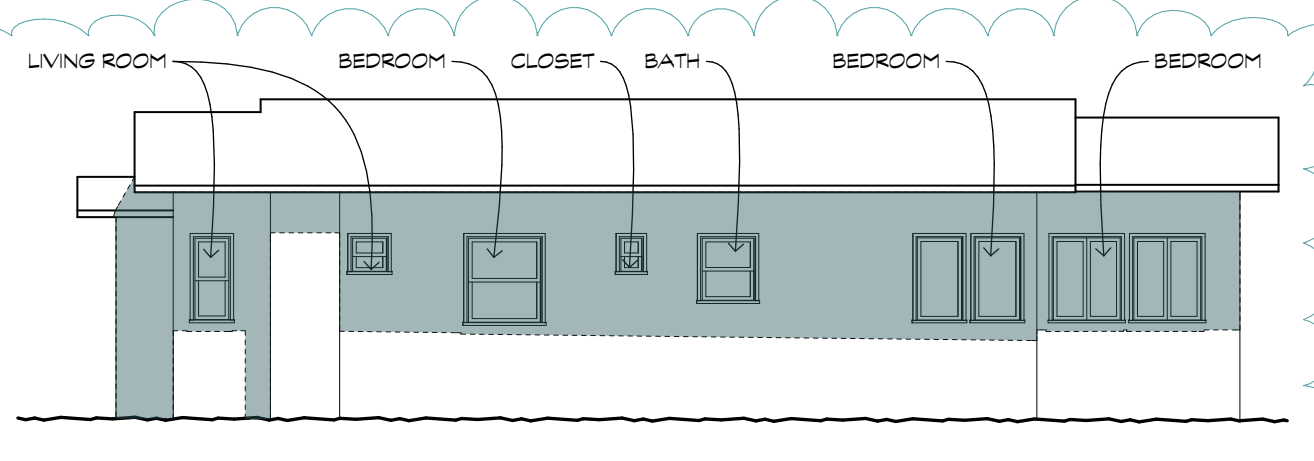
3C EXISTING 1529 SACRAMENTO
NORTH ELEVATION
JUNE 21 @ 6:35 PM
(2 HOURS BEFORE SUNSET)
NOTE: NO NEW SHADOWS CAST TO 1529 SACRAMENTO ON DECEMBER 21 AT ANY TIME



3C EXISTING 1525 SACRAMENTO
SOUTH ELEVATION
MARCH 13 @ 12:00 PM (NOON)

NOTE: NO EXISTING AND PROPOSED SHADOWS CAST ON 1525 SACRAMENTO FROM 1527 SACRAMENTO. ALL SHADOWS CAST ON 1525 ARE FROM ITS OWN WALLS/EAVES.

SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBOR'S OWN HOUSE



4B EXISTING 1525 SACRAMENTO
SOUTH ELEVATION
JUNE 21 @ 12:00 PM (NOON)

NOTE: SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBOR'S OWN HOUSE

AUP APPLICATION SET REV 2 02.09.21

AUP APPLICATION SET REV 1 08.17.20

AUP APPLICATION SET 02.26.20

DATE 02.09.21

DATE 08.17.20

DATE 02.26.20

DATE 02.09.21

DATE 08.17.20

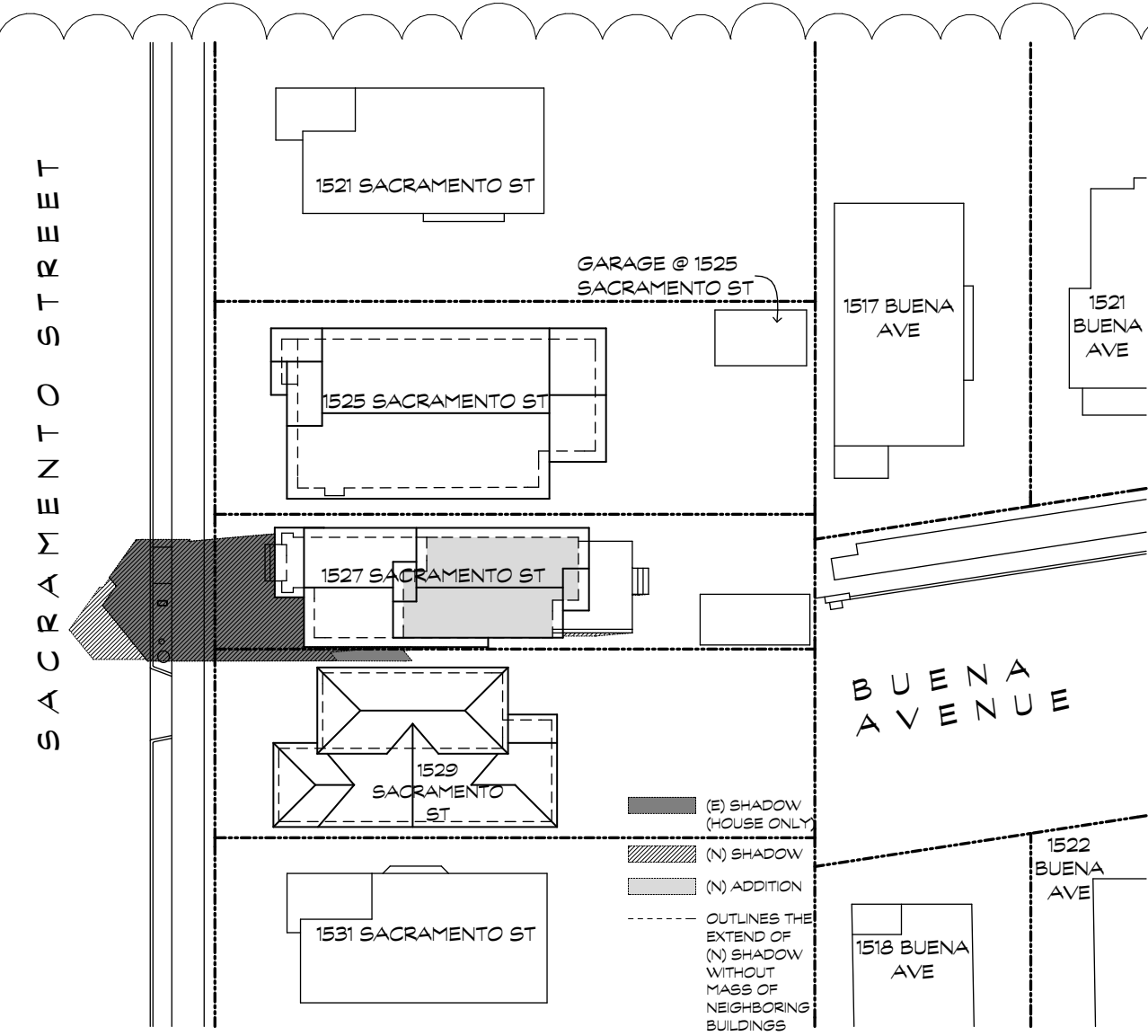
DATE 02.26.20

FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ
1527 SACRAMENTO STREET BERKELEY, CA 94702

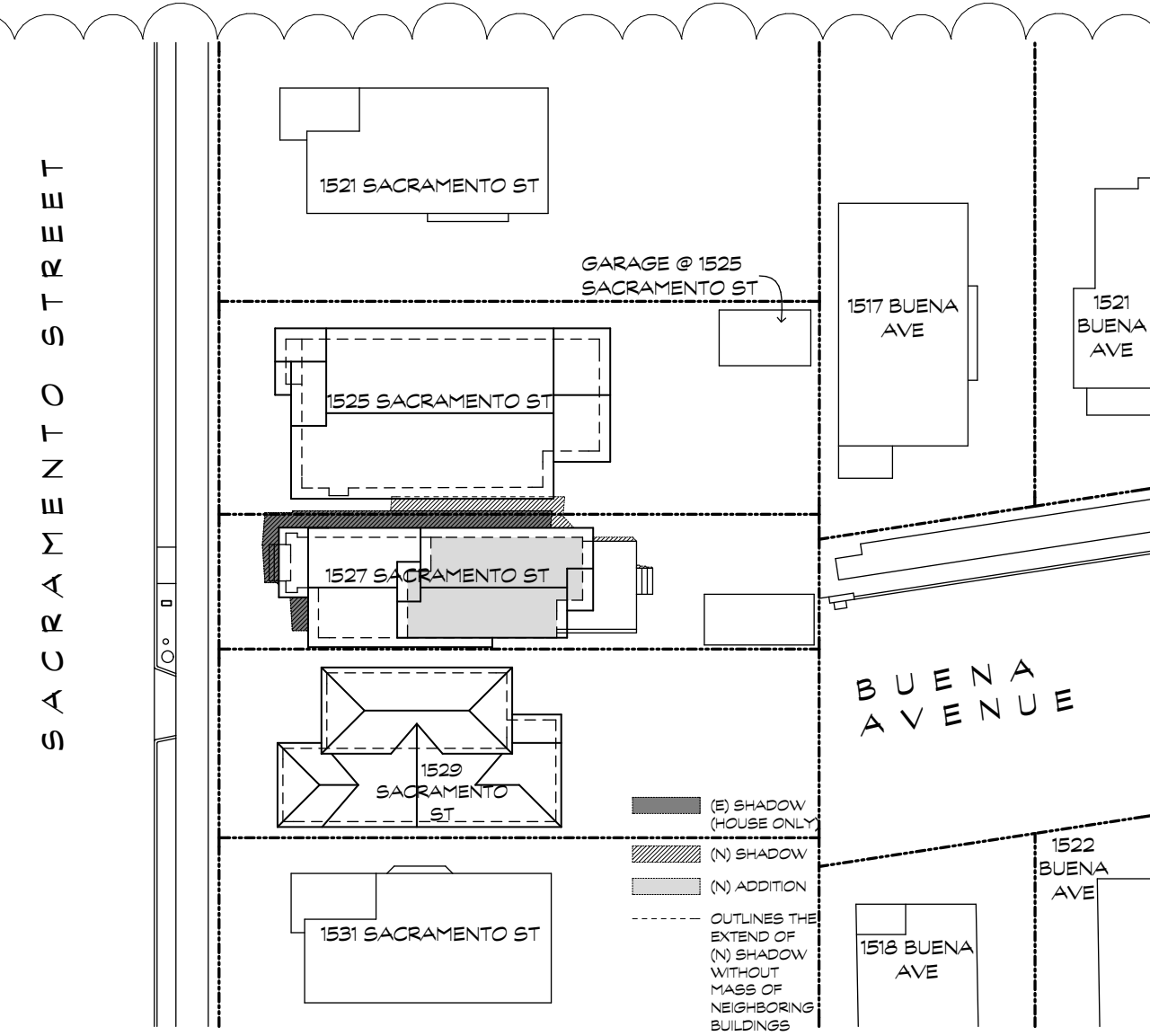
JASON KALDIS ARCHITECT, INC.
1250 ADDISON STREET - STUDIO 210 BERKELEY, CA 94702
PH (510) 549-3584 FX (510) 549-3574
JASON@KALDISARCHITECT.COM

DRAWING TITLE: SHADOW STUDY DIAGRAMS SHEET: **0.2**

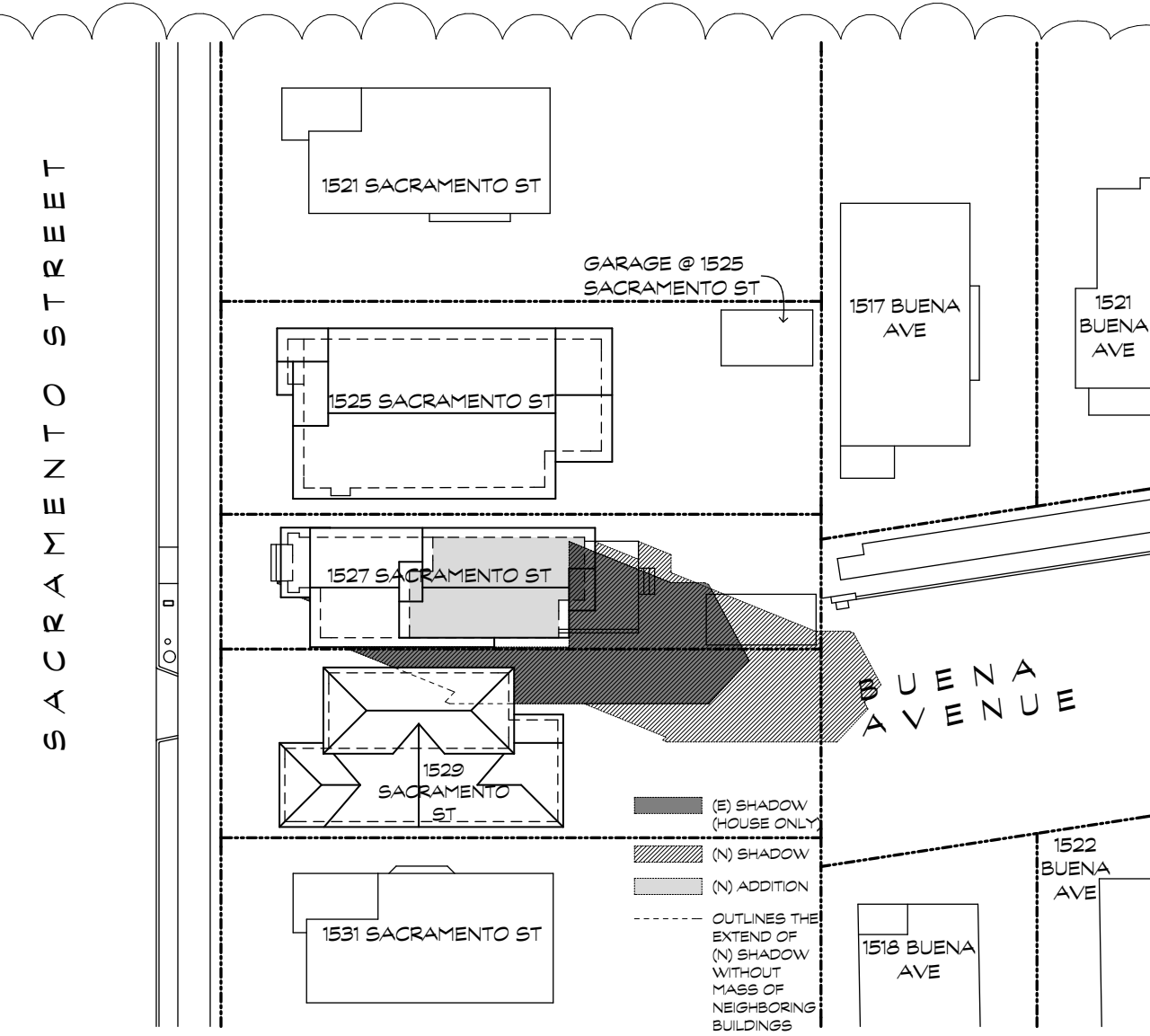
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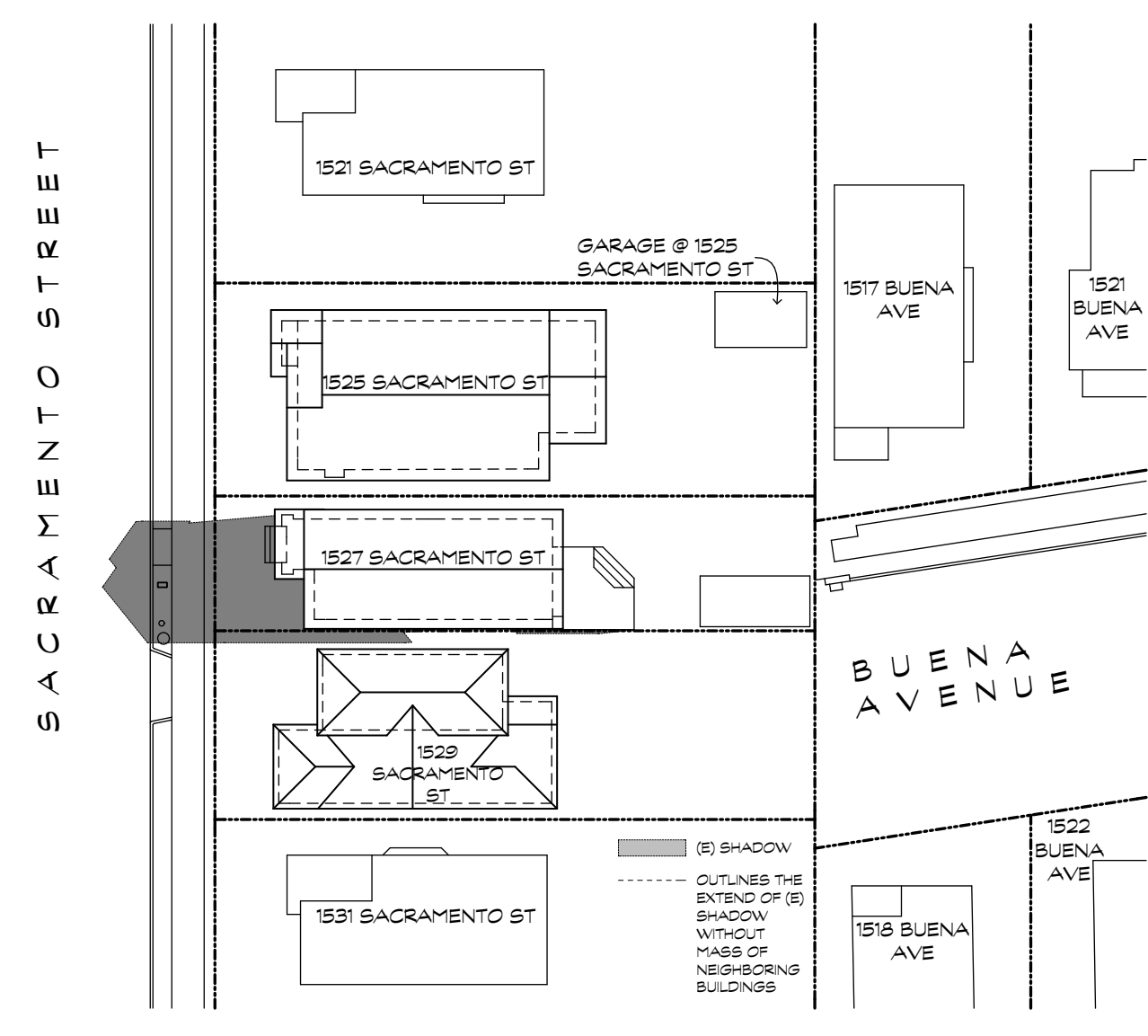
1A JULY 04 @ 7:47 AM
(2 HOURS AFTER SUNRISE)
SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



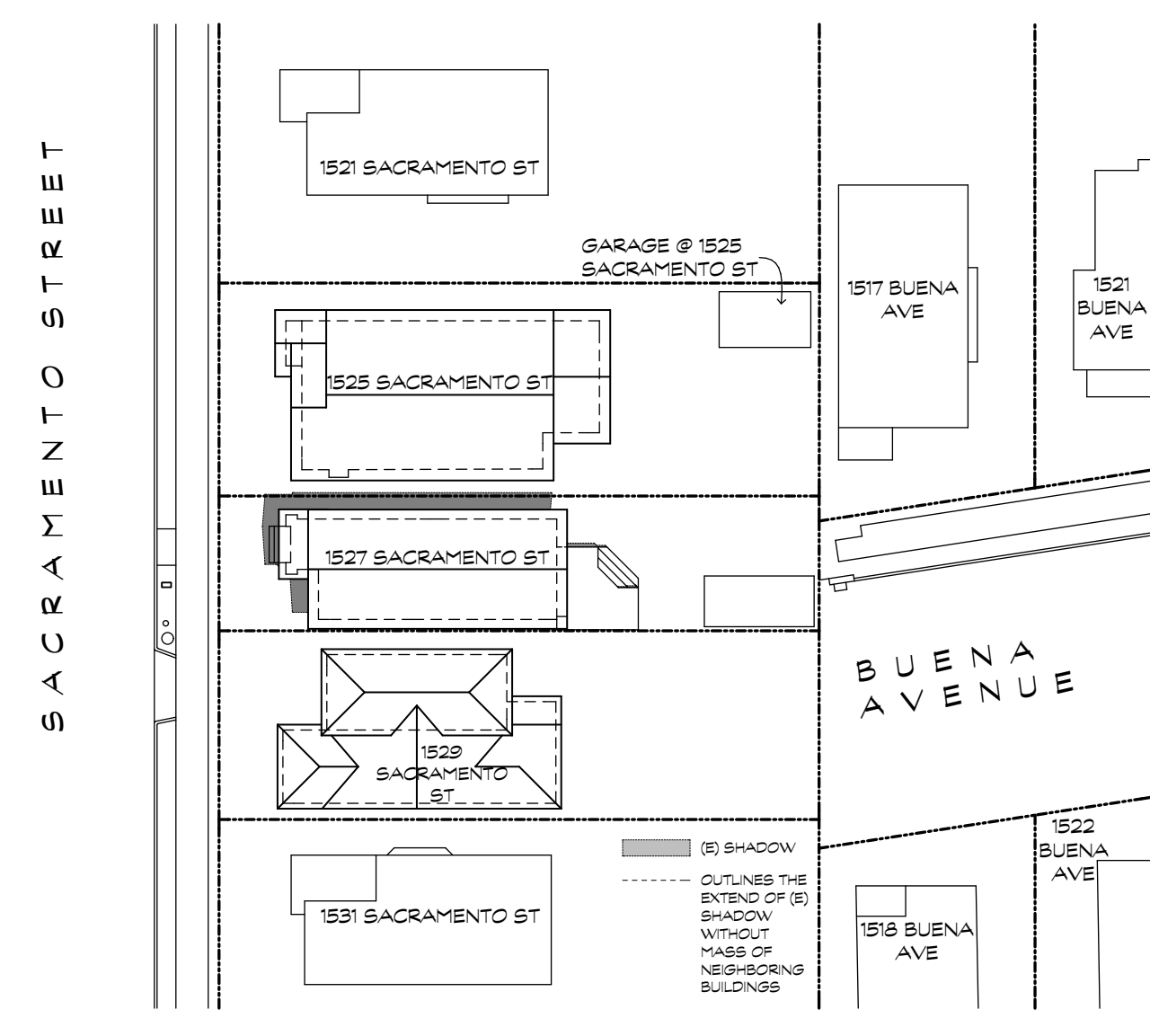
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SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



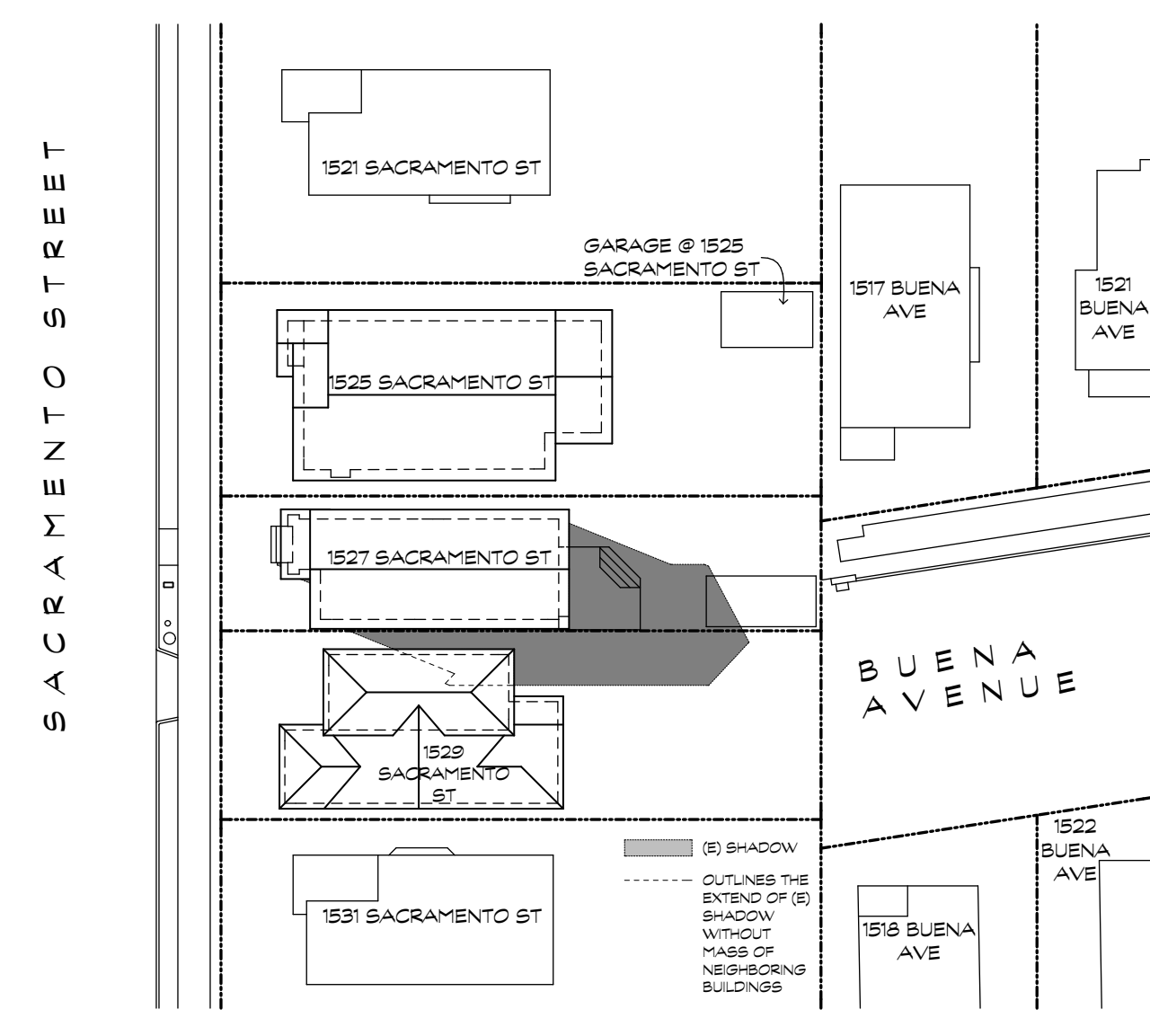
1C JULY 04 @ 6:35 PM
(2 HOURS BEFORE SUNSET)
SCALE: 1/32" = 1'-0"
PROPOSED SHADOW STUDY



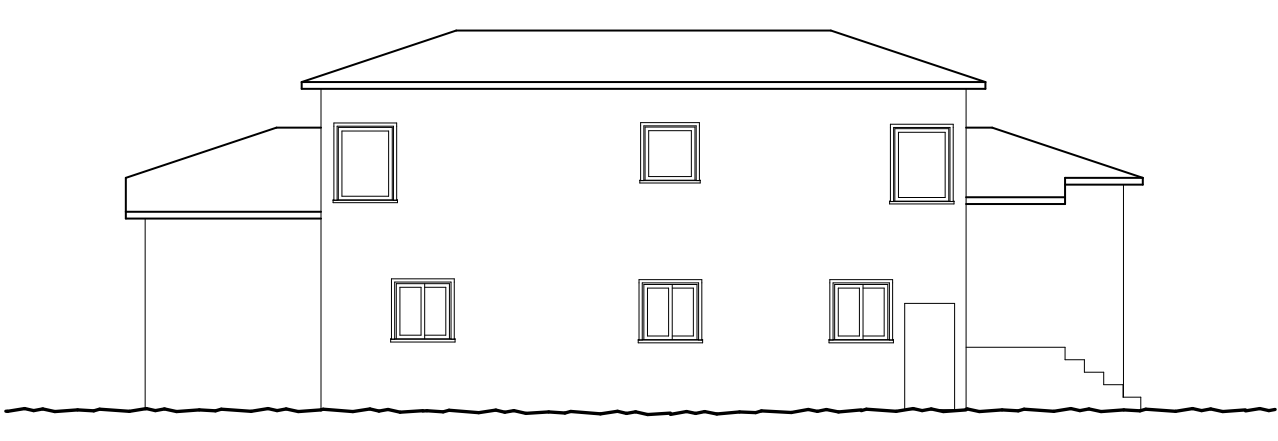
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(2 HOURS AFTER SUNRISE)
SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



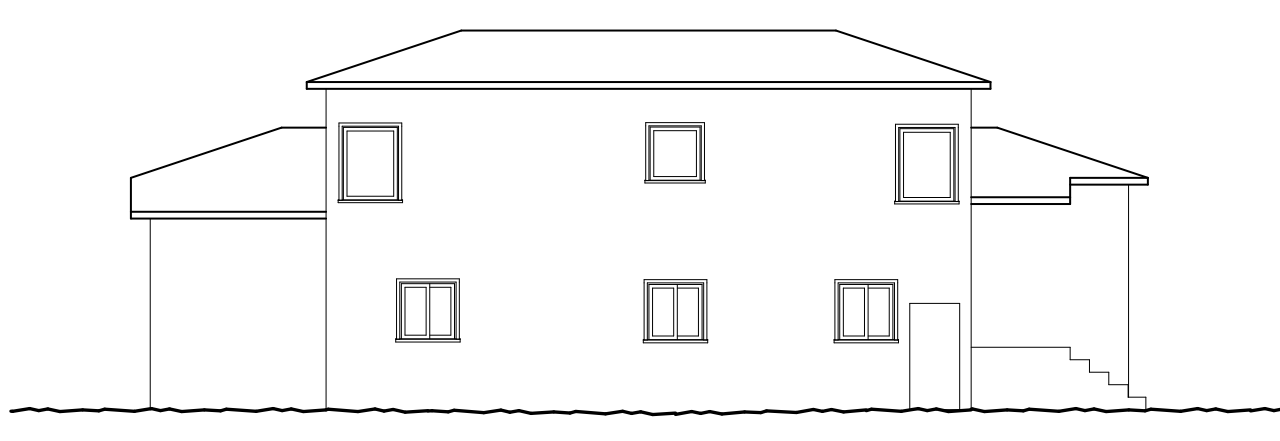
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SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



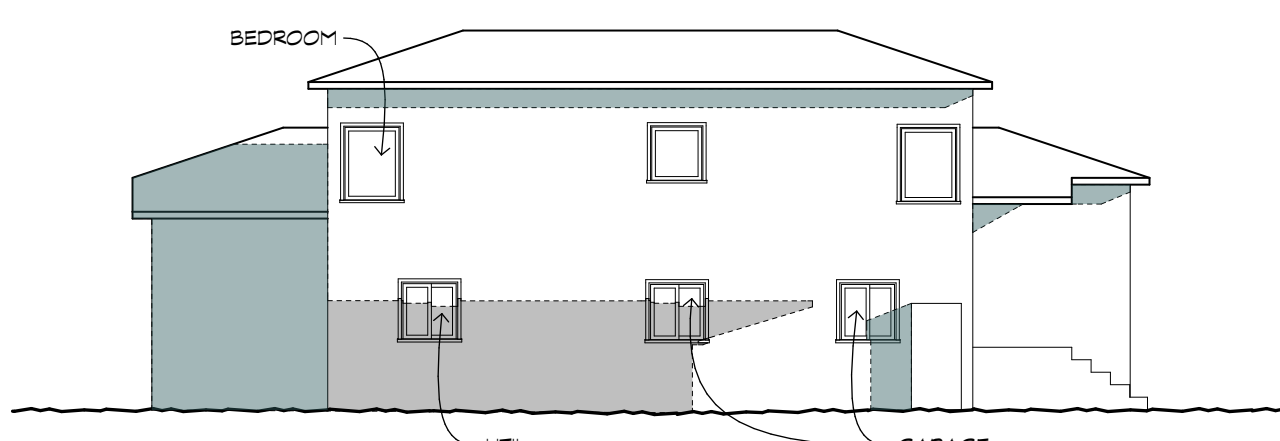
2C JULY 04 @ 6:35 PM
(2 HOURS BEFORE SUNSET)
SCALE: 1/32" = 1'-0"
EXISTING SHADOW STUDY



3A EXISTING 1529 SACRAMENTO
NORTH ELEVATION
JULY 04 @ 7:47 AM
(2 HOURS AFTER SUNRISE)

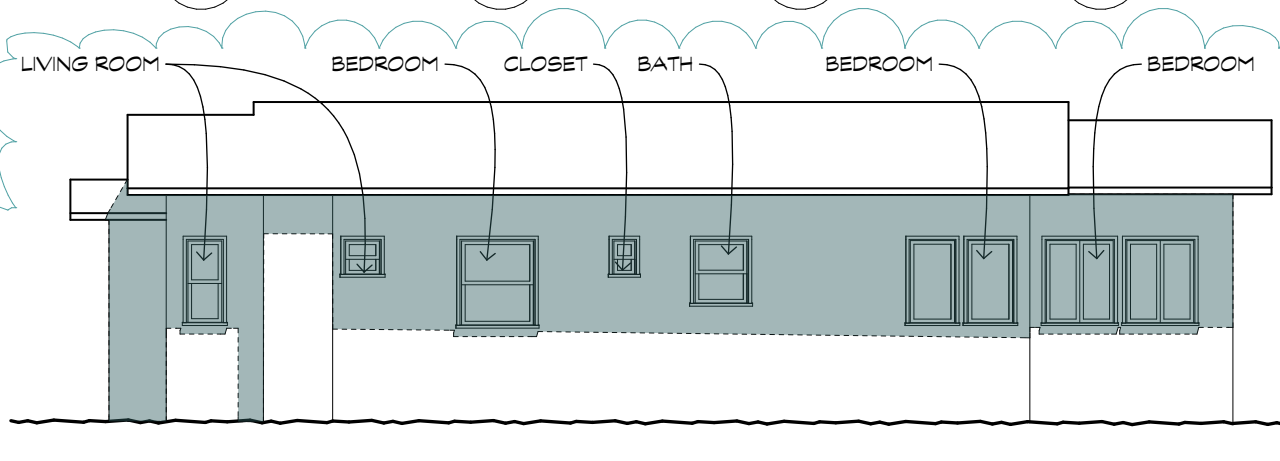


3B EXISTING 1529 SACRAMENTO
NORTH ELEVATION
JULY 04 @ 12:00 PM (NOON)



3C EXISTING 1529 SACRAMENTO
NORTH ELEVATION
JULY 04 @ 6:35 PM
(2 HOURS BEFORE SUNSET)
NOTE: NO NEW SHADOW CAST TO 1529 SACRAMENTO

NOTE: SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBORS OWN HOUSE



5B EXISTING 1525 SACRAMENTO
SOUTH ELEVATION
JULY 04 @ 12:00 PM (NOON)

NOTE: NO EXISTING AND PROPOSED SHADOWS CAST ON 1525 SACRAMENTO FROM 1527 SACRAMENTO. ALL SHADOWS CAST ON 1525 ARE FROM ITS OWN WALLS/EAVES.

SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBORS OWN HOUSE

AUP APPLICATION SET REV 2	02.09.21
AUP APPLICATION SET REV 1	08.17.20
AUP APPLICATION SET	02.26.20

FOR ADDRESS:
ADDITION & REMODEL FOR
ANNA TALAMO & JONATHAN
LIPSCHUTZ
1527 SACRAMENTO STREET
BERKELEY, CA 94702

DATE:
02.09.21
08.17.20
02.26.20

DRAWN BY:
JASON KALDIS

JASON KALDIS
ARCHITECT, INC.
1250 ADDISON STREET - STUDIO 210
BERKELEY, CA 94702
PH (510) 549-3584 FX (510) 549-3574
JASON@JKALDISARCHITECT.COM

DRAWING TITLE:
SHADOW STUDY DIAGRAMS

SHEET:
0.3
OF NUMBER:
18026

HELP US MAINTAIN PEACE, HEALTH, AND SAFETY AND CHARACTER OF OUR NEIGHBORHOOD

The residents of the east side of Sacramento Street (between Cedar and Rose) have been informed that the residents of 1527 Sacramento Street are applying for use permit from the City of Berkeley. The proposal calls for “a main floor addition and a new upper floor second story resulting in an average height greater than 14’.0.” The proposed construction would add a total of 565 square feet, with additions of an upper level, expansion in the rear (east) and north yard of the existing structure.

We are concerned that the design option that has been presented to the City of Berkeley would:

1. Create unmanageable challenges to public health and safety in our community during a worldwide pandemic. Houses adjacent to the proposed project are barely 6’ apart. Social distancing with construction crews shall be nearly impossible to achieve.
2. Allow disruption to the neighborhood during an unprecedented pandemic in which our homes have now also become our offices and schools.
3. Impact the life expectancy of the resident/owner of 1525 Sacramento Street. Mr. Lewis is an elder gentleman who lives alone and suffers from multiple health issues. The project as proposed would tower over the entire south side of his residence, placing his residence in shadow. He already suffers from reduced eyesight and depends on the natural light afforded on the south side of his property for activities such as reading and exercising. Mr. Lewis is an African American man who has lived at the property for 35 years and made innumerable contributions to the City of Berkeley over his lifetime. Black Lives Matter. The life of Mr. Lewis matters.
4. Impact the fragile health of the residents of 1529 Sacramento Street. One resident is a disabled young adult child who is medically fragile, suffers

from frequent and nearly daily seizures and whose challenging behavior issues make the proposed construction next door unsafe. Residents of the same property adjacent to the proposed project also suffer from other medical conditions that make construction nearby unsafe. This includes asthma and cancer.

5. Disturb the health and safety of several other elderly neighbors on the east side of the street – where at least two other residents are elderly and spend the predominant amount of time at home.

6. Result in substantial loss of natural light and solar heat to adjacent neighbors – adversely impacting the health of vulnerable, elderly and severely disabled neighbors.

7. Result in lack of privacy and overtake the view corridor of adjacent residents. For example, at the 1529 Sacramento Street residence, 3 out of the total 5 windows on the second floor of their property would, as a direct result of the proposed project, lose their view corridor and replace it with the view of a wall a few feet away. The light, privacy and view corridor of other two windows would also be impacted.

8 . Grant further variance for the property at 1527 Sacramento Street when the current structures on the property already exceed the maximum lot coverage of 40%. (according to the Project Planner at the City of Berkeley).

9. Adversely impact the character of the neighborhood by creating a dangerous precedent of building second stories without regard for the loss of light, privacy and view corridors of adjacent neighbors.

10. Create inequities between residents with the resources to build and those who shall be robbed of natural light, privacy and views. In this case, the natural light resource presently enjoyed by Mr. Lewis in particular would be redirected to the residents of 1527 Sacramento Street.

11. Perpetual racial inequalities such that the life of an elderly black man and long-term resident is disregarded in favor of expanded living space for

neighbors who never even consulted with him about the impact of the proposed project on his health, safety, and peace.

12. Decrease property values of neighbors who would lose natural light, heat, privacy and view corridors – all factors that substantially enhance the value and enjoyment of real property.

13. Severely disrupt recreation for the children who pass by 1527 Sacramento St. and potentially increase their pandemic exposure. There are also at least three elementary school children on our block (same side of the street as the proposed project) who are engaging in online learning, and who must come outside for occasional walks, biking, play and scooter-riding.

We residents of the east side of Sacramento Street (between Cedar and Rose) care about:

- health, safety, and peace of our neighbors, including those that are medically fragile.
- the morals of our neighborhood as supporting Black Lives Matter.
- the morals of our neighborhood as preserving an equitable environment.
- the character of our neighborhood as reasonably sized bungalows with footprints within the City of Berkeley's maximum lot coverage allowance.
- the property values of our homes.

The City of Berkeley has the authority to approve an alternative project that would meet the goals and objectives of the owners/residents of 1527 Sacramento Street while minimizing the adverse impact on neighbors and preserve the character of the neighbors.

By doing so, the City of Berkeley shall maintain the peace, health and safety, morals and character of the neighborhood

Should the City of Berkeley approved the project as proposed, it would represent a complete disregard for the health and safety of neighbors, their

loss of sunlight, privacy, view corridors, and the change to the character of the neighborhood.

We urge that the residents of 1527 Sacramento Street propose an alternative design that is consistent with the character of neighborhood and does not adversely impact the health, peace, and safety of us those of who live together in this dense environment.

We also respectfully urge the residents of 1527 Sacramento Street to consider delaying any and all construction until after the pandemic.

We, the residents of the neighborhood of Sacramento Street, City of Berkeley, near the proposed project at 1527 Sacramento Street, hereby support the petition to maintain the peace, health, safety and character of the neighborhood.

<u>Name</u>	<u>Address</u>	<u>Contact Information</u>	<u>Date</u>
Petra	1533 Sacramento	(510) 409-3213 petra.valoma@gmail.com	7/11/20
Phyllis Morrison	1545 Sacramento St, Berkeley, CA 94702	510/527-0934	7/11/20
Margie Holland	1553 Sacramento Street	510-400-0943	7/11/20
Olivia Shinnow	1521 Sacramento		7/11/20
Morena Turner	1517 Sacramento	510/527-6985	7/11/20
Jedong Lewis	1525 SACRAMENTO	(510) 527-0812	7/11/20
Mihle Van Liedeker	1529 Sacramento St Berkeley, CA 94702	510-524-5945	7/11/20
Elijah Liedeker	1529 Sacramento St. Berkeley CA	eliedeker@ucsf.edu 510-444-0899	7/12/20

We, the residents of the neighborhood of Sacramento Street, City of Berkely, near the proposed project at 1527 Sacrament Street, hereby support the petition to maintain the peace, health, safety and character of the neighborhood

<u>Name</u>	<u>Address</u>	<u>Contact Information</u>	<u>Date</u>
Micah Liedeker	1529 Sacramento St	510.495.5804	07/12/2020
Barbara Felkins	1507 Sacramento	510/527-5093	7/17/20

From: joyce lewis <joyce.lewis25@gmail.com>

Date: October 13, 2021 at 12:05:11 PM PDT

To: joyce.lewis25@gmail.com

Cc: Reggie Lewis <rlewis6845@yahoo.com>, lena williams <lmw4608@gmail.com>, David Lewis <davidl@acpwa.org>, Michele Liedeker <liedeker@sbcglobal.net>, Micah Liedeker <micah@icloud.com>

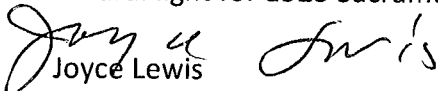
Subject: AUP#ZP2020-0034 Appeal

To: City Clerk
2180 Milvia St. Berkeley, CA

This letter is an appeal of the ZAB decision.

The basis of the appeal is:

1. No adjustments or suggestions were made by the ZAB to protect the use, enjoyment, property rights, or adverse impact of the tower project on adjacent neighbors, 1525 and 1529 Sacramento Street.
2. Misrepresentation by Appellant that adjacent neighbors were unwilling to compromise.
3. COB acceptance of vague and ambiguous shadow study that did not specify in its findings report explicit details about the extent of shadowing on each window.
4. COB refusal to provide an honest and thorough analysis of BMC 23B.28.050.
5. Illegal unconstitutional taking. There will be an adverse economic impact to ~~of~~ use, quiet enjoyment, of 1525 Sacramento. Erection of the tower will lead to higher PGE energy bills due to shading and shadowing and blockage of natural solar heat. 1525 will incur the cost of solar installation to avert loss of heat. Erection of the tower will diminish access to natural light leading to excess costs associated with caregiving. Independent living activities will become more difficult due to inability to see, and greater assistance will be needed for 1525 Sacramento St. Costs to install skylights for increased natural lighting.
6. 1527 has refused any design modifications to eliminate the loss of shadowing, heat, and natural light for 1525 Sacramento.


Joyce Lewis
Joyce.lewis25@gmail.com

From: joyce lewis <joyce.lewis25@gmail.com>

Sent: Wednesday, October 13, 2021 11:32 PM

To: City Clerk <clerk@cityofberkeley.info>

Cc: Michele Liedeker <liedeker@sbcglobal.net>; Micah Liedeker <micah_@icloud.com>; Reggie Lewis <rlewis6845@yahoo.com>; David Lewis <davidl@acpwa.org>; lena williams <lmw4608@gmail.com>; joycelewis25@gmail.com

Subject: AUP#ZP2020-0034 Appeal Addendum Filing

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

Dear City Clerk,

I am requesting that this addendum email and attached documents be filed together with the appeal filed earlier today in your office.

1. There were procedural problems with the COB. Architect's response received September 13, 2021 - without answering questions as to what % light lost on what specific windows, X hours per day, x days per year. This left us with only about 10 days before public hearing. Specifics are important because that forms the basis of economic loss. ZAB did not require shadow study specifics.
2. Mediation - ZAB dismissed mediation without obtaining any testimony from parties at 1525 or 1529, only giving weight to Appellant's testimony.
3. COB Planning Email admission they do not apply the applicable BMC as referenced in the appeal filed earlier today.
4. Economic loss in property value.

On Wednesday, October 13, 2021, 12:05:14 PM PDT, joyce lewis <joyce.lewis25@gmail.com> wrote:

To: City Clerk
2180 Milvia St. Berkeley, CA

This letter is an appeal of the ZAB decision.

The basis of the appeal is:

1. No adjustments or suggestions were made by the ZAB to protect the use, enjoyment, property rights, or adverse impact of the tower project on adjacent neighbors, 1525 and 1529 Sacramento Street.
2. Misrepresentation by Appellant that adjacent neighbors were unwilling to compromise.
3. COB acceptance of vague and ambiguous shadow study that did not specify in its findings report explicit details about the extent of shadowing on each window.
4. COB refusal to provide an honest and thorough analysis of BMC 23B.28.050.
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6. 1527 has refused any design modifications to eliminate the loss of shadowing, heat, and natural light for 1525 Sacramento.

Joyce Lewis
Joyce.lewis25@gmail.com

Sent from my iPhone

June 28, 2021

To: Planning Department – City of Berkeley, CA

RE: Appeal of Decision to grant Proposed Project at 1527 Sacramento Street
AUP# ZP2020-0034

For the appeal fee payment: We can be reached in the daytime at the following numbers for credit card payment:

510-524-5949 (home) or
cell phone (415-378-3704).

This appeal is due by July 6, 2021. Thus, it is being timely filed.

All issues raised in the prior filings with the City of Berkeley are hereby incorporated into this appeal. The points below are provided as a summary. We trust all Zoning Board members shall undertake to review the complete file on this matter.

We write as owners of the property at 1529 Sacramento Street, a split-level dwelling that is merely 6' away from the proposed construction. We appeal the decision of the City of Berkeley Planning Department for the captioned project at 1527 Sacramento Street.

1. City of Berkeley Planning Department did not respond to our material questions

We sent questions to the City of Berkeley regarding revised plan as (Letter dated My 13, 2021). Key questions include how many shadow studies were done, the source of each of the shadow studies, and why only the final shadow study suddenly reaches a different conclusion – that the adjacent propert(ies) are causing shadows. We also requested full copies of the shadow studies. These were not provided.

The conclusion of the final shadow study is inconsistent with past shadow studies. Even if the original proposal was modified, the question remains why all of a sudden does it conclude that shadows present are caused by the existing structure of adjacent propert(ies). Why did the prior shadow studies not reach the same conclusion? Also, the shadow studies are supposed to demonstrate not what shadows are already there, but what shadows would the proposed construction create.

The City of Berkeley never responded to the questions we posed about the shadow study that we did receive incomplete information information about. Given the lack of transparency and the sudden final conclusion that shadows were being caused by the adjacent propert(ies) and not the proposed structure, we requested time to do our own shadow study. We should have been given time to do so and to seek expert review of the studies that were requested but never received. Especially with the pandemic, extra time is needed to accomplish these tasks.

2. The City of Berkeley is not following its own ordinance. The proposed project cannot, by law, be approved because Berkeley Municipal Code Section 23B.28.050 **compels** the City of Berkeley NOT to approved a project that is detrimental to the health, safety, peace, morality, comfort, and general welfare of the adjacent properties and neighborhood AND is detrimental and injurious to adjacent properties.

An extensive review of the applicability of that ordinance to the facts of this proposed site – wherein disabled persons are living on both sides of the proposed construction, within 6’ of 1527 Sacramento Street – was submitted June 21, 2021. Documentation was provided to the City of Berkeley summarizing the disabilities of residents of the adjacent properties and the impact it would have on their health and safety.

The City of Berkeley staff has indicated that they do not have staff in their office who have training or expertise with regard to the factors required to be considered by this ordinance. When asked how they would apply this code section to this proposed project, the response was they that would look at past precedents. When asked if there are any precedents about such a proposed project when disabled residents live within 6’ of the construction site, there was no response.

A petition signed by 10 people living on the same east side of the street, between Cedar and Rose also was submitted to the City of Berkeley, addressing concerns about public safety, health of residents, impact on the life expectancy and fragile health of adjacent neighbors and negative impact on the character of the neighborhood, including the creation of socio-economic inequities and perpetuation of racial inequalities. This is in contrast to the signatories on the proposed construction – whose houses are not situated in a place that would be affected by the proposal and its execution.

3. Alternative property development strategies have not been sincerely undertaken. Our letter of May 13, 2021 details these objections. We note the architect indicates that it is an ‘insurmountable problem’ if the accessory structure would be removed as it is used for storage and laundry and for the complying parking space. The accessory structure in fact does not provide a parking space. The ‘problems’ are not insurmountable and adjacent neighbors both voiced to the City of Berkeley their willingness to sign onto a proposal that would forego a second story in favor of expanded living space for the residents/owners of 1527 Sacramento Street at the ground level, even if a variance would need to be requested for lot coverage.

Alternative property development strategies were not discussed with adjacent neighbors in good faith. When we asked to engage in a conversation with all three families at 1527, 1525 and 1529 Sacramento Street so we could all discuss how the

plans affect both adjacent neighbors and what modifications would work for the enjoyment of everyone's home – including light, privacy, character of neighborhood, concerns about health, safety welfare, etc – especially for the homebound and disabled residents, the response was as follows in an e-mail from the residents/owners of 1527 Sacramento Street to adjacent neighbors – the Lewis family and the Liedeker family on June 5, 2020:

“To be frank, it is both preposterous and presumptuous to think we should have consulted you in any way about OUR home renovation. Period.”

4. The approval of this project institutionally widens both socio-economic and racial inequities in Berkeley.

Approval basically means, if you have the money, you can do whatever you want without regard to the health and well-being of the adjacent neighbors and to the neighborhood.

The impact of this particular proposal is grave. This project could literally take away a life. Black lives matter. Black property matters. African American men in the United States have a significantly lower life expectancy than white men. The neighbor most affected by this project should be treasured by this community, not trampled by unchecked growth and lack of civility and concern for others.

The ordinance that the City of Berkeley continues to ignore, compels us to consider our community development more wholistically. Approval of this project is not only illegal but immoral. The City of Berkeley could and should do better by its citizens – ALL its citizens. A *Berkeleyside* opinion published June 13, 2017 exposed how Berkeley's zoning laws wall off communities of color, seniors, low-income people and others. The opinion calls out Berkeley for zoning laws that have historically used to exclude African Americans from certain parts of the city. The African American population in Berkeley has steadily declined. The pressure on seniors and people with disabilities has mounted.

This proposed construction reeks of all that is wrong about neighbors building skyward to capture views while overshadowing neighbors – taking away their light, privacy and changing the character of the community – both visually and morally. When neighbors do not care about the proposed impact of their growth on their neighbors, the City of Berkeley must step in to support the peace, health, safety and well-being of those other community members.

Sincerely,

Micah and Michel Liedeker
1529 Sacramento Street
Berkeley, CA

ZAB Public Hearing – 09/23/2021

Good evening,

Let's be clear: This project is does not add housing in Berkeley. It expands living space for 3 residents. Not one resident who lives on this east side of the block approves of this project. Not one. Signatures and statements gathered by the applicant are from people who shall not be directly affected. Their views should not hold weight.

We appreciate all of you participating in this process. We know it takes time and energy to review the documents in all these cases in Berkeley. We trust you have done so diligently in this unique situation – where adjacent neighbors include a homebound elder living just 8' from the proposed construction site, whose fragile health and life expectancy is directly threatened by this project, and a disabled young adult, our daughter, living within 6'. Our daughter has a serious, chronic health condition – impacted by stress, loud noises, disruption and chaos. As noted in prior correspondence, other family members also have chronic health conditions. We should value the lives of the elderly and disabled in our community, not make them victims of unchecked growth. Think about your parents. What if this project were proposed next to an elder that is dear to you?

Applicants were made aware of these unique health and safety concerns at very start of this process. Their response?

“To be frank, it is both preposterous and presumptuous to think we should have consulted you in any way about OUR home renovation. Period.”

Contrary to the perspective of the applicants. Health, safety, well-being, peace, and comfort of the adjacent neighbors are required to be considered in our city. Indeed a review of morality is specifically required to be considered by the city's municipal code 23B.28.050. The city already admitted in its e-mail to me on July 1, 2020 that, despite that ordinance, it does not take health into consideration when the use is conforming (e.g. residential use in a residential zone). There you have it -an admission by the city that it does not apply its own ordinances. An admission that sets the city up for a lawsuit.

Legally, all ordinances must be applied - not just those ordinances technical in nature. We live in neighborhoods, not technical drawings. That statue calls for equity. Not to apply it creates inequity by design. We appeal to your legal responsibilities. We also appeal to your sense of morality – as required by the ordinance. We appeal to human decency.

What should happen in this case:

1. ZAB should TABLE this matter until a thorough application of BMC 23B. 28.050 is properly made. We have a public health department. If the planning office has no expertise to apply the city's ordinance, the city itself has that resource. There are a lot of studies about how light and heat affect people, including people with varied skin coloring profiles and health conditions. Certainly, this minimal effort should be made to apply an ordinance that is meant to ensure equity.
2. ZAB should TABLE this matter until we adjacent neighbors are provided with a clear narrative from the architect stating window X and window Y, etc. shall be shaded by what specific % , for what specific hours of the day, for how many days of the year, what days of the year. Vague admissions that adjacent neighbors shall lose light (and thus heat we need to remember) are insufficient.
3. Once that clear narrative is provided, adjacent neighbors should be allotted a sufficient amount of time to do their own shadow study by an objective source – separate from an architect who has an active interest in the matter.
4. On the basis of concrete findings, the applicants should compensate adjacent neighbors with means to recapture lost light and heat. For example, installation of a skylight or repositioning of windows or replacement of windows for better heat and noise insulation. This should be accomplished prior to inception of any approved construction.
5. The construction schedule should be scaled back in light of the unique health issues of the adjacent neighbors. Construction should not be allowed on the weekends and reduced hours should be applied during the week. The COB department of public health would be a good resource to turn to for consultation as to what would be an allowable amount of noise and disruption in the face of the relevant health concerns.
6. Given public health concerns during the pandemic: public health practices may vary over time. To avoid confusion and inform the neighborhood, current guidelines should be posted and a specific phone number should be made available for reporting of violations.
7. Given the unique safety concerns regarding the adjacent disabled neighbor with behavior issues -unable to control her impulse to pick up debris, a phone number should be made available to call for clean-up when the COB conditions attached to this project are not being met.

TIME!!!!!!

Additional notes if time allows:

Why is this situation unique?

The three plots in question are unique on our block. On the eastern side of Sacramento Street, between Cedar and Rose, the other properties include driveways between the houses – creating more space for light and air. However, there are no driveways between adjacent neighbors and this proposed sight. I can literally stand between our house and the applicants and touch both houses.

Another unique aspect: There are homebound and disabled residents on both sides. Mr. Lewis – an elder in our neighborhood, and in our city, is entitle to quality of life. Such a large project would greatly impact his peace, health, welfare, comfort and well-being – even threaten his life expectancy. How is this moral?

Mr. Lewis's health is a matter of interest to all of us and any impact on his health should be of concern to the City of Berkeley.

Think about your parents. What if this project proposed next to an elder that is dear to you? Would you want all the noise, disturbance, dust and debris and a swarm of people around your parent?

The shadow studies show significant impact on his light and heat along the entire south side of Mr. Lewis' property. Every single window is negatively impacted.

How can you impose this construction on a homebound elder? This is a time in his life when he should be enjoying the fruits of his labor and the joy of his close family.

On top of the seizures, our daughter's condition results in attendant severe behavior challenges. Construction of this proposed project creates grave safety concerns. She has extraordinary vision and her impulsivity causes her to aggressively go, without any thought of safety, to grab an item. Any slight object left unattended by construction crews next door creates a serious safety issue for our family. We have, on many occasions, had to follow our daughter when she elopes and runs into the street in her compulsion to pick up a small speck of paper or object.

With regard to our property, it appears that every single window on the north side of our house would lose light and heat. We live in a split-level house with two bedrooms and full bath on the

second story. Two out of the three windows on our second story would, as a direct result of the proposed project, face a wall.

The impact on our light and warmth has not been concretely defined. Which window for how many hours per day, how many days per week, how many days of the year. This question has not been answered.

I can tell you that the every single window on the other side of our house is on the first floor facing south, and is covered by glazed glass. Why? Because the adjacent neighbors there wanted to have a third child. We did not oppose the project because we understood their need for expansion when they wanted to expand their family. We acted in support of our neighbors, our neighborhood. However, this project before us is different. The project in this case expands living space for the 3 person family that already lives there.

If we are accused of being loud and insistent in our appeal of this project, then that is right and good. We have been working on managing and reducing our daughter's seizures for 20 years. She has been through unspeakable pain and anguish and challenges. If we did not stand up for her rights to good health and our rights to be healthy in order to care for her, then we would be negligent parents.

What else is unique about this project?

There have been many procedural missteps by the COB in this case.

For example: Our appeal, filed July 6, 2021 was not forwarded to the applicants until September 9, 2021, over three months late. A response from the architect was then received September 13, 2021 – leaving us less than ten days to review and understand the response to our questions. Where is the equity in that?

As a matter of fact, on specific technical question: after a year and half we adjacent neighbors still do not have a concrete answer to how each window shall lose what percentage of light for how many hours a day, what hours of the day, for how many days a year.

The applicants may accuse us of delaying their project. According to the city's website, however, the city itself had a lot of technical questions. The final project application was not submitted until April 27, 2021. A decision issued on June 14, 2021.

Distinguished ZAB members, If this project goes forward, it signals that:

8. The COB is, by its own admission, not applying its own ordinance and the ZAB is complicit in that cherry-picking of ordinances to apply.
9. The COB supports growth for the few and resourced over human life, safety, health, well-being, and comfort.
10. The COB cares not about its elderly.

11. The COB cares not about its disabled citizens for whom construction and its consequences have particular and unique consequences.
12. Adjacent neighbors can take away the light and heat from the elderly and disabled without consequences.

We have extended an invitation for the ZAB members to visit the site. None has done so. A site visit is critical to understand the scale and impact in this unique situation. Perhaps every application imposes inconvenience on adjacent neighbors, but this case goes beyond that –to life itself for the elderly and disabled.

We have asked ZAB members to disclose any relationship with the architect and applicants in the proposed project. This request for transparency has been ignored.



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
SEPTEMBER 23, 2021

1527 Sacramento Street

Appeal of Zoning Officer’s Decision to approve Administrative Use Permit #ZP2020-0034 to add 1) a 520 square foot second-story addition with an average height of 21 feet 9 inches at the rear; 2) a major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub, on a 2,783 square-foot lot that contains a one-story 824-square-foot single-family dwelling.

I. Background

A. Land Use Designations:

- General Plan: LDR – Low Density Residential
- Zoning: R-1 – Single Family Residential District

B. Zoning Permits Required:

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition.
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition above 14 ft. in average height.
- Administrative Use Permit pursuant to BMC Section 23C.04.070.B to make alterations in a non-conforming yard.
- Administrative Use Permit pursuant to BMC Section 23D.08.060.C to add an unenclosed hot tub.

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

D. Parties Involved:

- Applicant: Jason Kaldis, 1250 Addison Street #210, Berkeley
- Owner: Anna Talamo and Jonathan Lipschutz, 1527 Sacramento Street, Berkeley

- Appellants: Sterling Lewis, Joyce Lewis, Reginald Lewis, Lena Williams, David Lewis, 1525 Sacramento Street, Berkeley (PLN2021-0028)
- Appellants: Micah and Michele Liedeker, 1529 Sacramento Street, Berkeley (PLN2021-0029)

Figure 1: Vicinity Map



Figure 2: Site Plan

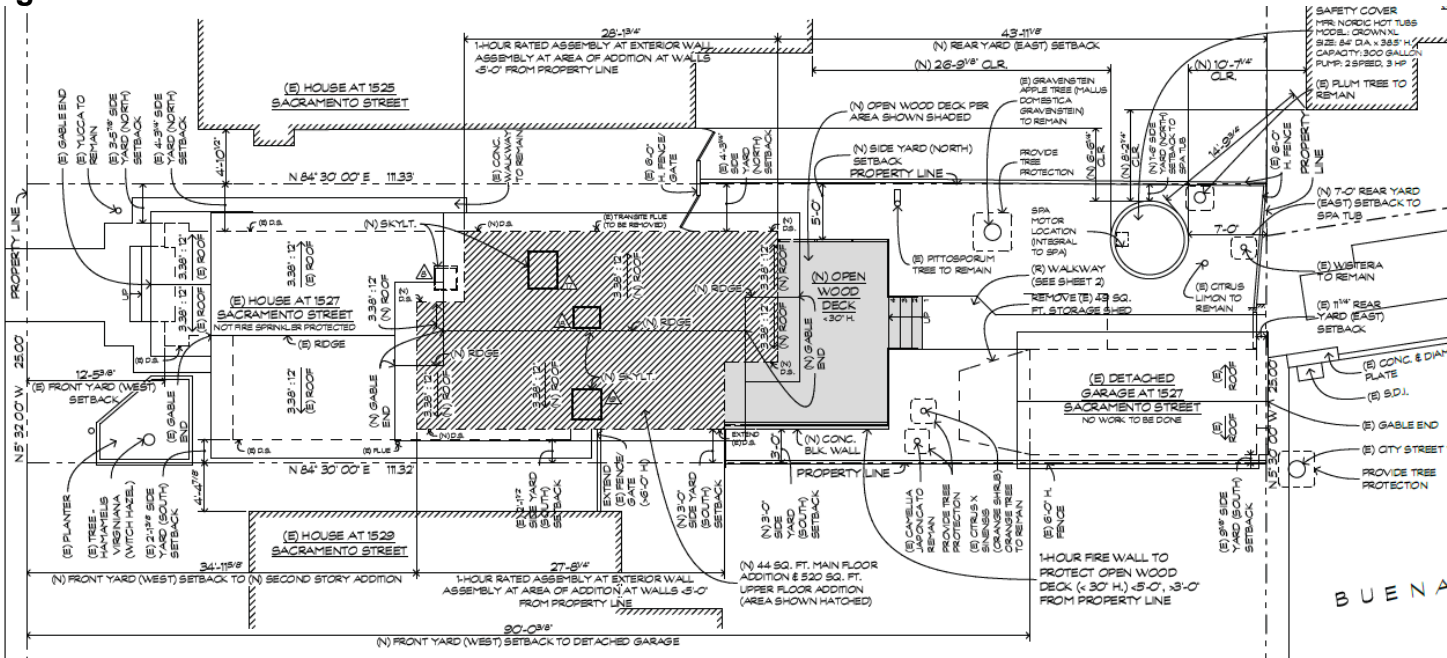


Figure 3: Floor Area Diagram

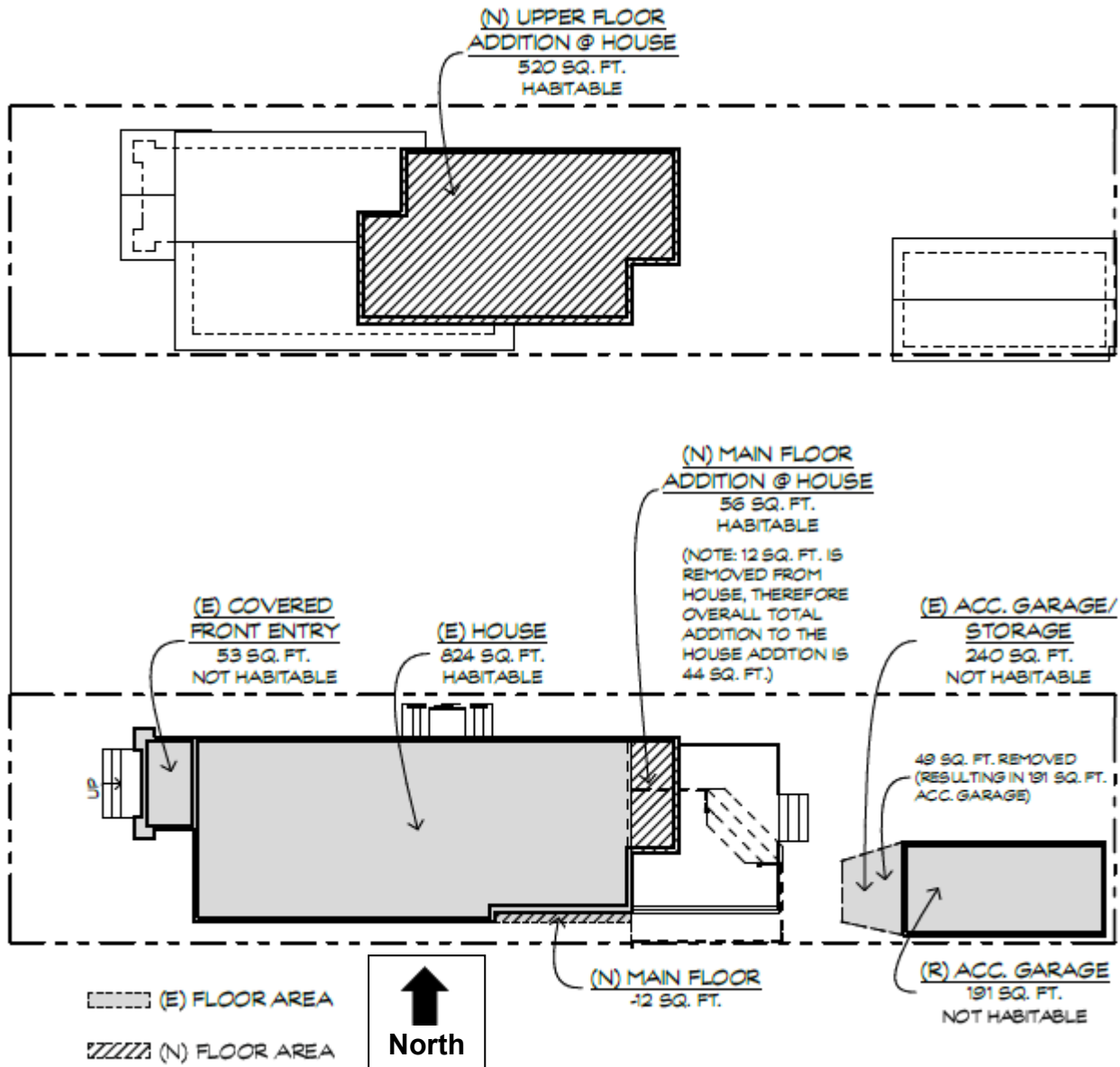


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-family dwelling	R-1	LDR (Low Density Residential)
Surrounding Properties	North			
	South			
	East			
West				

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Housing Accountability Act (Govt. Code 65589.5(j))	No	The project is not a "housing development project," as no additional units would be created. The project is to expand an existing unit on the site. Therefore, the HAA findings do not apply to this project.
Coast Live Oaks	No	There are no existing oak trees on the site.
Creeks (Per BMC Section 17.08.045)	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30' of the site.
Historic Resources	No	The project does not propose the demolition or substantial alteration of a building over 40 years old. Staff approved a waiver from the Historical Resource Evaluation requirement and it was determined that the building is not likely to be a resource.
Housing Accountability Act (Govt. Code 65589.5(j))	No	The project is not a "housing development project," as no additional units would be created. The project is to expand an existing dwelling on the site. Therefore, the HAA findings do not apply to this project.
Rent Controlled Units (Per BMC Chapter 13.76)	No	The existing residential building is a single-family dwelling, and thus not subject to the Rent Control Ordinance.
Residential Preferred Parking (RPP) (Per BMC Chapter 14.72)	No	The project site is not located in a zone of the Residential Preferred Parking program.
Seismic Hazards Mapping Act (Per State Hazards Mapping Act)	No	The project site is not located in an area susceptible to liquefaction, fault rupture, or landslide, as defined by the State Seismic Hazards Mapping Act (SHMA). Thus, the project is not subject to additional review to comply with the Act.
Soil/Groundwater Contamination	No	The project site is not located in the City's Hazards Management Area and the site is not on any list maintained pursuant to the Cortese List.
Transit and Bicycle Access	Yes	The project site is within 0.2 miles of AC transit routes 688, and 52 on Sacramento Street and Cedar Street. The site is within 0.4 miles of the Ohlone Greenway. Also, the project site is approximately 0.3 miles from the North Berkeley BART station.

Table 3: Project Chronology

Date	Action
April 28, 2020	Application submitted
May 28, 2020	Application deemed incomplete
August 19, 2020	Revised application materials submitted
September 17, 2020	Application deemed incomplete
March 24, 2021	Revised application materials submitted
April 23, 2021	Application deemed incomplete
April 23, 2021	Revised application materials submitted
April 27, 2021	Revised application materials submitted
June 14, 2021	Notice of Administrative Decision issued

July 2, 2021	First appeal received
July 6, 2021	Second appeal received
September 9, 2021	Public hearing notices mailed/posted
September 23, 2021	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23D.16.070-080		Existing	Proposed/ Approved by Zoning Officer	Permitted/ Required
Lot Area (sq. ft.)		2,783	No Change	5,000 min.
Gross Floor Area (sq. ft.)		824	1,388	N/A
Dwelling Units (Parcel)		1	1	1 max.
Bedrooms (Parcel)		2	2	4 max. (without AUP or UPPH)
Building Height	Average	20'-4"	21'-9"	AUP for residential additions greater than 14' (28' max. average height w/AUP)
	Stories	1	2	3 max.
Building Setbacks	Front	12'-5"	No Change	20' min.
	Rear	48'-9"	43'-11"	20' min.
	Left (North) Side	4'-3"	4'-3"	3' min.
	Right (South) Side	2'-1"	3'	3' min.
Lot Coverage (%)		40.1	40.0	40 max.
Usable Open Space (sq. ft.)		564	771	400 min. (400 per unit)
Automobile Parking		1	1	1 min.

II. Project Setting

A. Neighborhood/Area Description: The subject site is located on the east side of Sacramento Street, between Rose Street and Cedar Street, in a residential neighborhood that consists of single-family dwellings that range from one to two stories in height. The rear of the lot faces Buena Avenue. See Figure 1: Vicinity Map.

B. Site Conditions: The project site is rectangular, with a 25-foot wide lot line along Sacramento Street and 111-foot depth. The parcel is currently developed with an 824 square-foot, one-story single-family dwelling with a covered porch at the front of the lot and an uncovered deck at the rear along the south side property line. There is a garage along the right rear (southeast) corner of the lot, which is accessed from Buena Avenue. There is an existing 6-foot tall wood fence along the perimeter of the property in the rear. There are seven existing trees on the site; however, there are no protected

Coast Live Oaks. The parcel is non-conforming to current zoning standards in terms of minimum lot size, lot coverage, and building setbacks from the front (west) and right (right) side property lines.

III. Project Description

The project approved by the Zoning Officer would construct a 564 square-foot addition, consisting of a 520 square-foot second floor addition setback approximately 35 feet from the front property line, and a 44 square-foot first floor addition at the rear of the existing residence. The existing average building height is 12 feet 3 inches. With the addition, the new average height would be 21 feet 9 inches. The existing dwelling has two bedrooms and one bathroom; with the addition the two bedrooms would move to the second floor, along with a bathroom, and at the first floor there would be a new family room.

A hot tub would be added to the rear yard, 1 foot 6 inches from the north (left) property, and 7 feet from the rear property line. The storage shed attached to the garage would be removed to bring the lot coverage into compliance (40 percent). The existing front porch was enclosed around 2015 and is located within the required 20-foot front yard. The enclosure would be legalized with an Administrative Use Permit and established with a subsequent building permit.

In addition, a new deck would be added off of the rear of the main building, less than 30 inches above existing grade, and three feet from the right (south) setback (therefore not subject to discretionary review),

IV. Community Discussion

A. Neighbor/Community Concerns: Due to Shelter in Place, a pre-application poster was not erected by the applicant. The applicant shared the plans with the owners and occupants of five of the seven confronting and abutting properties in-person in early March 2020. The applicant sent plans to the neighbors at 1529 and 1525 Sacramento Street via certified mail in early April 2020. On May 13, 2020, staff received a letter from the owners of 1529 Sacramento Street stating concerns that are similar to their appeal points listed below. Staff virtually met with the appellants in June of 2020 to discuss their concerns and the AUP process. The Staff Project Manager met with the appellants for a site visit at their properties in August 2020, and the Land Use Planning Manager/Zoning Officer meet with them in November 2020. The appellants also emailed Staff with questions and concerns and staff provided responses. On June 14, 2021, Staff posted the Notice of Administrative Decision at the site and two nearby locations, and sent notices to abutting and confronting property owners and occupants and to interested neighborhood groups.

B. Zoning Officer's Decision to Approve: The Zoning Officer determined that the proposed project would not be detrimental to those living and working in the neighborhood because it would meet the R-1 district standards for maximum residential density, height, lot coverage, and useable open space, and because the

project would not worsen the non-conforming setbacks. The proportions, setbacks, and roof slopes maintain the character of the existing property and surrounding neighborhood. Further, the proposed addition will not create detrimental air, views, light, or privacy impacts (see Attachment 1).

The first appeal of the administrative decision was filed on July 2, 2021 by the owner and family of the owner of 1525 Sacramento Street (six people). The second appeal was filed on July 6, 2021 by the owners of 1529 Sacramento Street (two people).

- C. Public Notice:** On August 25, 2021, Staff notified the applicant and appellant that the public hearing date had been tentatively scheduled for September 23, 2021. On September 9, 2021, the City mailed public hearing notices to all adjacent property owners and occupants within 300 feet of the subject property, and to interested neighborhood organizations. Staff also posted the Notice of Public Hearing at two locations within the immediate vicinity of the subject site. At the time of this writing, Staff has received fourteen letters of support regarding this project (Attachment 8).

V. Appeal Issues and Analysis

- A. Appeal Issue 1 – Shadow Studies.** The following comments were submitted in regards to the shadow studies:

1. The appellants at 1525 Sacramento state that the applicant sought different shadow studies until they concluded that 1525 Sacramento causes its own shadowing, rather than the proposed addition. The appellants state that the short overhang at “1525 is part of the bungalow design; it does not cause shadowing.” In addition, the appellants at 1529 Sacramento add that the conclusion of the final shadow study is inconsistent with past shadow studies (Attachment 6, page 1, #1).
2. The appellants contend that staff failed to analyze how the proposed project will cause severe shading at 1525 Sacramento.
3. The appellants assert that a request for a copy of the shadow study was ignored.
4. They state that they were not granted additional time to obtain a separate shadow study and independent analysis (Attachment 5, page 2, #1).

Staff Analysis:

1. In May of 2021, both appellants raised concerns about changing shadow studies. Staff responded to their concerns via email on May 25, 2021 (see Attachment 4). In the May 25 response, staff explained that there are not different shadow studies, but revised versions of the same studies. The shadow studies were required to be revised to follow submittal requirements¹ and correct typos. It is common for applications to be deemed incomplete, and often additional materials or revisions are required. Consistent with standard submittal requirements, the shadow studies show the existing shadows at three times of the year (summer solstice, winter

¹ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Shadow%20Study%20Instructions.pdf

solstice, and near the time of the submittal), and three times of day (two hours after sunrise, noon, and two hours before sunset), and show the proposed shadows caused by the addition at the same three times of year and times of day.

Shadow studies are analyzed after complete and accurate information is provided. While there are multiple days of analysis there is one conclusion: there is no detriment to neighboring properties. This conclusion is found in the Findings section of the Notice of Administrative Decision (Attachment 1).

Depending on the angle of the sun, it is possible for a home to shade itself. Per page one of the shadow study instructions, shadows two hours after sunrise, and two hours before sunset on the winter solstice, and at noon throughout the year would generally be pointed north, so a dwelling would cast shadows onto its south façade two hours after sunrise, and two hours before sunset on the winter solstice, and at noon throughout the year. The applicant submitted photos on May 24, 2021 which were taken on July 3, 2020, which is within a few weeks of the summer solstice, and thus the shadows would be in nearly the same place as the June 21 shadow studies. The shadow studies submitted on August 19, 2020, and March 24, 2021 show that 1525 Sacramento casts shadows onto itself to varying extents two hours after sunrise, and two hours before sunset on the winter solstice, and at noon on the winter solstice, summer solstice, and March 13 (near the time of initial submittal when the application was prepared).

2. Analysis of the increased shadows from the proposed project was included in the Notice of Decision (Attachment 1) and is based on the shadow studies on sheets 0.1-0.3 at the end of Attachment 2. 1525 Sacramento is adjacent to the north of 1527 Sacramento, and it is setback approximately 5 feet from the shared property line. The potential impacts are summarized as follows:
 - Two hours after sunrise on the winter solstice (December 21), shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover a window in the living room, front bedroom, closet, bathroom window, and two bedrooms near the rear.
 - At noon on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover windows in a closet, bathroom, and six bedroom windows near the rear.
 - Two hours before sunset on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover two bedroom windows near the middle of the house, and cover one quarter of the last bedroom window at the rear of the dwelling.
 - At noon on March 13 (representative of the application date), shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover half of a bedroom window at the front of the house, windows in a closet, bathroom, and two bedroom windows near the middle of the house.

The proposed project meets the development standards of the district and the shadows caused by the proposed addition are normal for an urbanized area.

Because the impacts would occur on limited areas and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition would not result in a significant loss of direct sunlight on abutting residences, and the shading impacts were not deemed detrimental.

3. Staff emailed the March 24, 2021 resubmittal packet to the appellants on March 25, 2021, and provided instructions on how the appellants could obtain printed copies from administrative staff in the May 25 response. Staff had initially sent the link to the website where plans could be viewed in June of 2020.
4. The project was submitted in April 2020 and the appellants have had more than a year to prepare their own shadow study, or hire someone to prepare a shadow study. The shadow studies submitted by the applicant align with City guidelines and the placement of the sun at varying points throughout the year.

For the reasons enumerated above, staff recommends the ZAB dismiss this appeal point.

B. Appeal Issue 2 – Neighbors object to the proposed design: The appellants contend that multiple neighbors object to the proposed design and change in character. Further, the appellants contend that staff have not given weight to the petition the appellants prepared, and instead accepted a petition from unaffected neighbors (Attachment 5, page 2, #2; Attachment 6, page 2, #2, paragraph 4).

Staff Analysis: The Zoning Officer and other decision makers, such as the ZAB or City Council, must base the decision to approve or deny a project on the required findings in the Berkeley Municipal Code, in this instance BMC Section 23B.28.050.A, non-detriment. A project cannot be denied or approved based on the level of support or opposition of various parties. The project planner and Zoning Officer considered the applicant's statement and the concerns expressed by the neighbors as they analyzed the project. At the insistence of staff, the applicant did lower the roof height in August of 2020, from a maximum ridge height of 23 feet 5 inches to 22 feet 9 inches, and did increase the proposed right (south) setback for the area of the addition from 2 feet 1 inch, to 3 feet.

The "petition" from unaffected neighbors the appellants reference is not a petition but an acknowledgement from the abutting and confronting neighbors that they have seen the plans. By signing within a table on the site plan, neighbors are only indicating that they have seen the plans, they are not necessarily saying that they approve of the project and the plans.² Therefore, staff recommends the ZAB dismiss this appeal point.

² Community Outreach Instructions

https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Instructions%20Regarding%20Community%20Outreach.pdf. During Shelter in Place staff modified these requirements to minimize in-person contact between neighbors.

The City of Berkeley does not have residential design standards or guidelines, and structures in residential districts are not subject to design review. The proposed project would add a second story, where up to three stories is allowed, outside of the required setbacks. The proposed project is consistent with the pattern of residential development in the area, including one- to two- story residences.

- C. Appeal Issue 3 – Lack of negotiation towards a favorable design:** The appellants contend that the applicant team will not negotiate in good faith for a reasonable design, and that staff support this unreasonableness (Attachment 5, page 2, #3). Appellants state that they wanted all three families to meet and discuss modifying the project, but their offer was rejected (Attachment 6, pages 2-3, #3).

Staff Analysis: The appellants have stated on several occasions that the applicant should not add a second story, and should instead seek a variance to exceed the lot coverage, in order to add a one-story addition. Applicants are required to notify neighbors of certain proposed projects, and applicants/owners are encouraged to discuss potential concerns and solutions throughout the process. However, owners are not required to modify their project. Staff have explained to the appellants that the City would not support a variance to avoid adding a second story as the required findings could not be made, and the project approved by the Zoning Officer conforms to the development standards of the R-1 district, and meets the findings for non-detriment as described in the findings and conditions (Attachment 1). Therefore, staff recommends the ZAB dismiss this appeal point.

- D. Appeal Issue 4 – Non-detriment finding cannot be met:** The appellants have stated on several occasions (emails, letters) that the required finding under BMC Section 23B.28.050.A cannot be met:

The Zoning Officer may issue an AUP, either as submitted or as modified, only upon finding that the establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City. (Attachment 5, pages 2-3, #4; Attachment 6, page 2, #2).

Staff Analysis: The Findings under BMC Section 23B.28.050.A are based on the broad land use regulatory (“police”) powers of all cities and counties and those terms (health, safety, and welfare) are not defined in the BMC. The appellants draw a connection between the health, safety, and peace of the residents of 1525 Sacramento Street and 1529 Sacramento Street and negative aspects of construction, and the proposed addition. The City has interpreted health, safety and welfare to mean access to sunlight, air and privacy, which are analyzed in the Findings of the Notice Administrative of Decision; construction impacts, such as noise and dust, are addressed in the City’s Standard Conditions of Approval (Attachment 1). Therefore,

staff believes that the Finding under BMC Section 23B.28.050.A can be made, and thus recommends the ZAB dismiss this appeal point.

- E. Appeal 1 Issue 5 – Proposed project equates to an illegal taking of property:** The appellants contend that the project will lead to an illegal taking of 1525 and 1529 Sacramento Street since the project will decrease values of adjacent properties without compensation, and deprive property owners of the quiet use and enjoyment of their properties (Attachment 5, page 3, #5).

Staff Analysis: Takings jurisprudence arises from the Fifth Amendment to the United States Constitution, and provides that no private property can be taken for public use without the payment of just compensation. There are many different types of takings (physical invasions of property, regulatory takings that restrict the use of property, or land use exactions such as easements), none of which have any applicability to the effect of this project upon neighboring parcels.

Project construction would be temporary in nature and would only be allowed during certain hours and on certain days (see Condition of Approval 12 in Attachment 1). The 520 square foot addition to accommodate more communal living area on the first floor, relocating the same number of bedrooms to the second floor, is unlikely to create more noise than already exists after construction is complete. In addition, community noise is regulated in BMC section Chapter 13.40. Therefore, staff recommends the ZAB dismiss this appeal point.

- F. Appeal Issue 6 and 7– Proposed addition is inequitable:** The appellants contend that this project results in discrimination, inequity, systematic racism and economic privilege. The project is alleged to exacerbate economic and racial divisions. Racial equity should apply to the project, meaning that the project should be denied to avoid impact to this Black family. The Black population in Berkeley continues to decline due to gentrification, lack of housing, systematic racism, and economic constraints. The appellants express concern for the lack of diversity of City of Berkeley staff and demand this application be handled by someone who is culturally and racially sensitive. (Attachment 5, page 3, #6, #7; Attachment 6, page 3, #4).

Staff Analysis: The BMC does not include different levels of discretion or different findings based on race, ethnicity, financial status, longevity in Berkeley, etcetera. The proposed project meets the R-1 development standards, subject to obtaining Administrative Use Permits, and the Zoning Officer concluded that the project would meet the necessary findings. Therefore, staff recommends ZAB dismiss this appeal point.

VII. 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 Administrative Use Permit #ZP2020-0034** pursuant to Section

23B.28.060.C.1 and subject to the attached Findings and Conditions (see Attachment 1) and **DISMISS the Appeal**.

Attachments:

1. Findings and Conditions, #ZP2020-0034, June 14, 2021
2. Project Plans, received March 24, 2021 and April 27, 2021
3. Pre-application neighbor signatures, received April 28, 2020
4. Staff Response to concerns of 1529 and 1525 Sacramento, sent May 25, 2021
5. Letter of Appeal, received July 2, 2021
6. Letter of Appeal, received July 6, 2021
7. Notice of Public Hearing
8. Correspondence Received

Staff Planner: Allison Riemer, ariemer@cityofberkeley.info, (510) 981-7433

**NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL
PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

ZAB APPEAL: 1527 SACRAMENTO STREET, USE PERMIT #ZP2020-0034

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, FEBRUARY 22, 2022 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to approve Zoning Permit #ZP2020-0034 to: 1) add a 520 square-foot two-story addition with an average height of 21 feet 9 inches at the rear of the existing building; 2) add a major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub, on a 2,783 square-foot lot that contains a one-story 824-square-foot single-family dwelling.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **FEBRUARY 10, 2022**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Allison Riemer, Project Planner, (510) 981-7433, or ariemer@cityofberkeley.info. Written comments should be mailed to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704 or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Mark Numainville, City Clerk

Mailed: February 8, 2022

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed 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) 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.*

Internal

If you challenge the above 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 City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

