



Planning and Development Department
Land Use Planning Division

A D M I N I S T R A T I V E U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code, Title 23

AUP #12-20000119

Property Address: **1735 SAN LORENZO AVENUE**

Permittee Name: **REZA ANSARI**

Use and/or Construction Permitted: to allow a 467 sq. ft. Accessory Dwelling Unit without the required off-street parking space pursuant to:

- Section 23D.16.080.A to waive the required off-street parking requirement for an Accessory Dwelling Unit.

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

Following the expiration of the mandatory appeal period set forth in Section 23B.28.040 of the Berkeley Municipal Code, with no timely appeal being filed, the Administrative Use Permit described herein has been duly granted by the Zoning Officer on February 1, 2013.

Attest: Terry Blount
Terry Blount, AICP, Principal Planner
For Debbie Sanderson, Zoning Officer

February 1, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

JANUARY 11, 2013

1735 San Lorenzo Avenue

Administrative Use Permit #12-20000119

To allow a 467 sq. ft. Accessory Dwelling Unit without the required off-street parking space.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"). 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 will not affect any historical resource.

FINDINGS FOR APPROVAL

2. As required by Section 23B.28.050.A of the Zoning Ordinance, the project, under the circumstances of this particular case existing at the time at which the application is granted, will 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:

- As required under Section 23D.16.040 (Development Standards for Accessory Dwelling Units) and Section 23D.16.080.A (Parking Required) and 23D.16.090 (Findings), the 467 sq. ft. Accessory Dwelling Unit which involves waiving the on-site parking requirement is permissible because:

1. The gross floor area of the Accessory Dwelling Unit is 467 sq. ft. which is not more than 25% of the floor area of the main house, which is 1,868 sq. ft., and is more than 300 sq. ft. (required minimum size), but no more than 467 sq. ft. (maximum size permitted) (Sections 23D.16.040.B.1 and B.2);
2. The Accessory Dwelling unit is accessible from a roadway that meets the fire apparatus access road requirements (Section 23D.16.040.B.4);
3. This permit is conditioned (see Condition #12 below) to restrict the Accessory Dwelling Unit from being sold independently of the main house, mandating that the

- owner shall not subdivide the land or air rights to enable sale or transfer of the Accessory Dwelling Unit, and that the owner shall reside in either the main dwelling or the Accessory Dwelling Unit (Sections 23D.16.040.B.3 and B.5); and
4. There is a separate entrance for the Accessory Dwelling Unit not located on the front of the existing building (Section 23D.16.040.C.1).
- As required under Section 23D.16.090.C (Findings), the parking waiver for the Accessory Dwelling Unit is found permissible because:
 1. The existing single-family residence has one unenclosed parking space in the side yard which was authorized with the approval of AUP#09-20000046 and establishing a second tandem off-street parking space would facilitate parking within the required 20' front yard setback and the Traffic Engineer has found that tandem parking is infeasible at the subject site;
 2. The City's Office of Transportation Division submitted a report to Planning which analyzed the results of parking survey conducted by an independent data-collection company approved by the Public Works Traffic Engineering Staff. The survey found that late at night, parking occupancy varied between 40% and 76% for the north side of San Lorenzo and 38% to 83% for the south side, concluding that between 6 and 15 parking spaces were available on-street on the north side and 4 to 15 spaces were available on the south side. The Traffic Engineer also reviewed a parking survey submitted by the neighbor at 1730 San Lorenzo. The data from the neighbor's survey were similar in that between 4 and 9 spaces were available on the north side and 9 to 11 spaces available on the south side. The Traffic Engineer concludes that the submitted parking surveys indicate that between 20% and 61% of on-street parking spaces are available and that during the day there is expected to be a minimum of 10 and a maximum of 30 on-street spaces available.
 - As required under Section 23D.16.070 (Development Standards), a porch located on the east side of the project has been removed, bringing the site into compliance with the maximum lot coverage requirement, therefore, this project is permissible because the subject property satisfies the development standards for maximum allowable lot coverage, maximum residential density, maximum main building height, minimum yard setbacks, and minimum open space.

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 (Section 23B.56.010)

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

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

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

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

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

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

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

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

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

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

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

9. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

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

Prior to Submittal of Any Building Permit:

- 10.** The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage construction noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site for the duration of construction in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Individual Responsible for Noise Management:**

Name: _____ Phone: _____

- 11.** The applicant and all persons associated with the project are hereby notified that a Transportation Management Permit (TMP) would be required under any of the following circumstances:

- Alterations, closures, or blockages to sidewalks or pedestrian paths

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

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Public Works Traffic Engineering (981-6400) reviews all submitted TMP requests.

The TMP may include designation of a specific truck haul route. Meter heads (if in the construction area) shall be removed only by City staff. Contact the site inspector 72 hours in advance of required removal so arrangements can be made.

Prior to Issuance of Any Building Permit:

12. Prior to issuance of a building permit, all owners of record of the subject property shall sign and record with the Alameda County Clerk Recorder a “Notice of Limitation on Use of Accessory Dwelling Unit” (form available from Land Use Planning Division), prohibiting the Accessory Dwelling Unit from being sold independently of the main house, mandating that the owner shall not subdivide the land or air rights to enable sale or transfer of the accessory dwelling unit, and that the owner shall reside in either the main dwelling or the accessory dwelling unit,

□ City Monitor: Project Planner

Signature

Date

13. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
14. The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned prior to issuance of a building permit.

During Construction:

15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
21. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
22. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
23. 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.
24. 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.

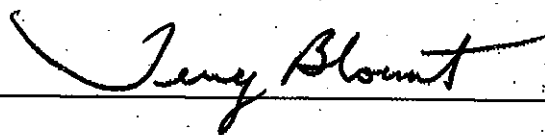
Prior to Issuance of Occupancy Permit or Final Inspection:

25. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
26. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **DECEMBER 3, 2012**.

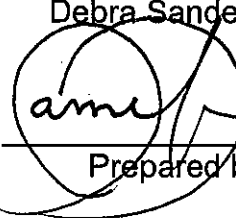
At All Times (Operation):

27. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

28. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
29. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



Terry Blount, Principal Planner for
Debra Sanderson, Zoning Officer



Prepared by: Pamela Johnson

GENERAL NOTES

All work shall comply with the CURRENT Edition of the UBC and all other codes and requirements.
 This drawing shall conform to the Building Code of Berkeley Building Code
 California State Building Code
 California Title 24 Energy Codes
 NEC and City of Berkeley Amendments of the California plumbing, mechanical and electrical codes.

Contractor is to obtain any necessary permits for this work.

Contractor shall be responsible for all electrical, plumbing and fire protection work required by the City Dept.

Contractor shall verify all dimensions and existing conditions prior to starting work. Any discrepancies shall be reported to this designer for review.

Do not scale drawings. Dimensions shall take precedence over scale.

Contractor shall visit site prior to submission of bid to review scope of work, demolition, etc.
 Dimensions are to face of finish, unless otherwise noted (U.O.N.)

Cutting and demolition shall be done by methods which will not jeopardize structural integrity of existing construction and will not damage portions to remain.

Contractor shall remove, out, cap and repair as necessary any utilities, including but not limited to : electrical, mechanical plumbing and fire protection, where portions are scheduled for demolition or are no longer operational or in service. All other existing utilities are to remain fully operational.

Contractor is to provide all necessary dust protection and/or barricading (required to protect adjacent spaces and existing finishes. Contractor is responsible to repair any damages caused by contractor or their subcontractors.

Patch and repair any damages to floor, walls, ceilings, hardware, fixtures, windows, etc. as a result of the construction process. Match existing adjacent finishes as closely as possible. Align and sand smooth.

In general, the Owner reserves the right to retain all material and equipment removed from the project. Any item or material not desired by the Owner are to be removed from the site by Contractor at Contractor's expense.

If any questions arise as to the replacement of any materials and/or equipment, or with the construction documents, the Contractor shall clarify the point with the Architect or Designer before proceeding.

If any questions arise due to existing conditions appears discrepancy between construction documents or any other manner, the contractor will immediately notify the Architect or Designer and clarify the point with the architect or designer.

Safety Measures: At all times the Contractor shall be solely and completely responsible for conditions of the job site including safety of persons and property.

Total thickness of new walls shall match that of adjacent walls. U.O.N.
 Construction of new walls, ceiling ceilings, etc. shall be modified with Architect's/Designer's approval, when in conflict with existing conditions.

Dimensions noted clarity if not adjustable without approval by Architect/Designer.
 The Contractor shall do all cutting, fitting or patching of work that may be required to make all parts fit together properly. All patching, reworking and repairing of materials and surfaced shall be replaced with, upon completion, match surrounding similar surfaces.

Light walling at walls as required for all wall mounted items including plumbing fixtures, cabinet work, etc.
 All exterior openings are to be weather-shielded.
 Shuds and laming shall provide plants, live straight and rigid framing for support of collateral materials.
 Install metal corner beads at all exposed outside gypsum board edges. All gypsum wallboard shall be 3-coat finished, taped, tapered and banded between coats. Finished surfaces shall be plumb, level and pluses, places vertically with joints on laming. All gypsum wallboard shall be mill finished 40' by 80' thick, unless otherwise noted by maximum length to minimize horizontal joints and tapered edges.

Contractor is responsible for all construction clean up.

No wall telephone or electrical outlets shall be mounted back to back.
 The American with Disabilities Act (ADA) is subject to various and possibly contradictory interpretations. These plans and any accompanying specifications (part) represent the Designer's opinion regarding its compliance with ADA. It is the Contractor's responsibility to verify all interpretations of the ADA by others.

ABBREVIATIONS

AB	ANCHOR BOLT
ADJ.	ADJACENT
A.F.F.	ABOVE FINISHED FLOOR
AN	AND
AP	APPROXIMATELY
APPROX.	APPROXIMATELY
AS	AS SHOWN
B.	BUILDING
B.D.	BUILDING DETAIL
B.L.C.	BLOCK
B.O.	BOTTOM OF
B.W.	BETWEEN
B.T.W.	BETWEEN
C.C.	COMMON
C.L.	CENTER
C.L.C.	CENTER LINE
C.L.P.	CLEAR
C.M.T.	CERAMIC MOSAIC TILE
C.N.	CONCRETE
C.O.	CONSTRUCTION
C.P.	CONTINUOUS
C.O.S.	CHECK ON SITE
C.D.S.	CENTER
C.T.P.	DOUBLE
D.B.	DOUBLE
D.C.	DETAILED
D.F.	DRAINING FOAM/RAIN
D.I.	DIMENSION
D.N.	DOWN
D.R.	DOOR
D.V.	DRAIN
D.V.G.	DRIVE
D.V.L.	DRAINAGE
D.W.	DRAINAGE
D.Y.	DRAIN
E.C.	EQUAL
E.D.	EQUAL
E.G.	EXISTING
E.M.	EXISTING
E.N.	EXISTING
E.F.	EXISTING
E.L.	EXISTING
E.P.	EXISTING
E.P.D.	EXISTING
E.F.D.	EXISTING
E.L.D.	EXISTING
E.P.D.	EXISTING
E.L.D.	EXISTING
E.P.D.	EXISTING
E.L.D.	EXISTING
E.P.D.	EXISTING
E.L.D.	EXISTING
E.P.D.	EXISTING

PROJECT SCOPE

CONVERTING EXISTING LIVING AREA IN BASEMENT TO LEGAL ACCESSORY DWELLING UNIT.

PROJECT DATA

PROJECT NO.	2012-03
TITLE	RESIDENTIAL ACCESSORY DWELLING UNIT
OWNER	REZA ANSARI AND NAZILA TOBAEI
DESIGNER	BAÇILIA MACIAS ARCHITECTURE
DATE	8.20.12
DRAWN BY	BM
SCALE	AS SHOWN
DATE	8.20.12

REZA ANSARI AND NAZILA TOBAEI RESIDENCE
 1735 SAN LORENZO AVE. BERKELEY, CA
 APN # 622-288-210

PROJECT DATA
SITE PLAN
SAN LORENZO AVE
A-0

DATE: 8.20.12
 DRAWN BY: BM
 REVISIONS: DATE

DRAWING LIST

NO.	DESCRIPTION	DATE
A.0	VERIFY PLAN, DRAWING LIST & GENERAL NOTES	
A.1	ISSUE FOR PERMIT	
A.2	ISSUE FOR PERMIT	
A.3	ISSUE FOR PERMIT	
A.4	ISSUE FOR PERMIT	

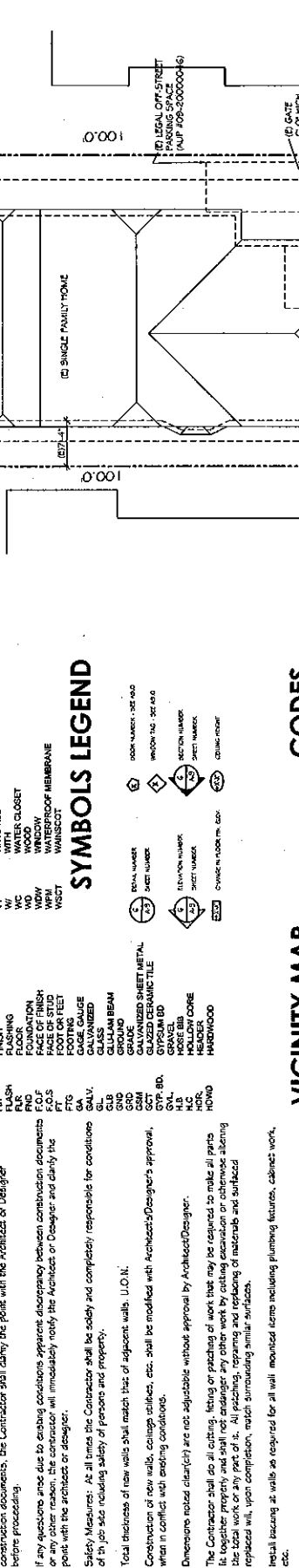
PROJECT SCOPE

NO.	DESCRIPTION	DATE
A.0	VERIFY PLAN, DRAWING LIST & GENERAL NOTES	
A.1	ISSUE FOR PERMIT	
A.2	ISSUE FOR PERMIT	
A.3	ISSUE FOR PERMIT	
A.4	ISSUE FOR PERMIT	

RECEIVED

DEC 03 2012

LAND USE PLANNING



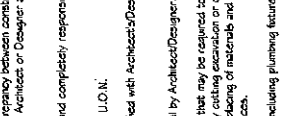
SYMBOLS LEGEND

- DOOR NUMBER - SEE 6.0
- WINDOW NUMBER - SEE 6.0
- SECTION NUMBER
- SHEET NUMBER
- CEILING HEIGHT
- CEILING FINISH
- FINISH FLOOR LEVEL
- FINISH FLOOR
- FLOOR FINISH
- FACE OF FINISH
- FACE OF STUD
- FACE OF FOOT
- GAGE GAUGE
- CALVAIN
- CALVAIN BEAM
- CALVAIN BEAM
- GRADE
- GLAZED CERAMIC TILE
- GYPSUM BOARD
- HOLLOW CORE
- HEADER
- HARDWOOD
- IRREGULAR
- JACKET NUMBER
- REVISION NUMBER
- SECTION NUMBER
- SHEET NUMBER
- CILING HEIGHT
- CEILING FINISH
- FINISH FLOOR LEVEL
- FINISH FLOOR
- FLOOR FINISH
- FACE OF FINISH
- FACE OF STUD
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- GAGE GAUGE
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- CALVAIN BEAM
- GRADE
- GLAZED CERAMIC TILE
- GYPSUM BOARD
- HOLLOW CORE
- HEADER
- HARDWOOD
- IRREGULAR

CODES

- 2010 CA FIRE CODE
- 2010 CA BUILDING CODE
- 2010 CA MECHANICAL CODE
- 2010 CA PLUMBING CODE
- 2010 CA ELECTRICAL CODE
- 2010 CA ENERGY CODE

VICINITY MAP

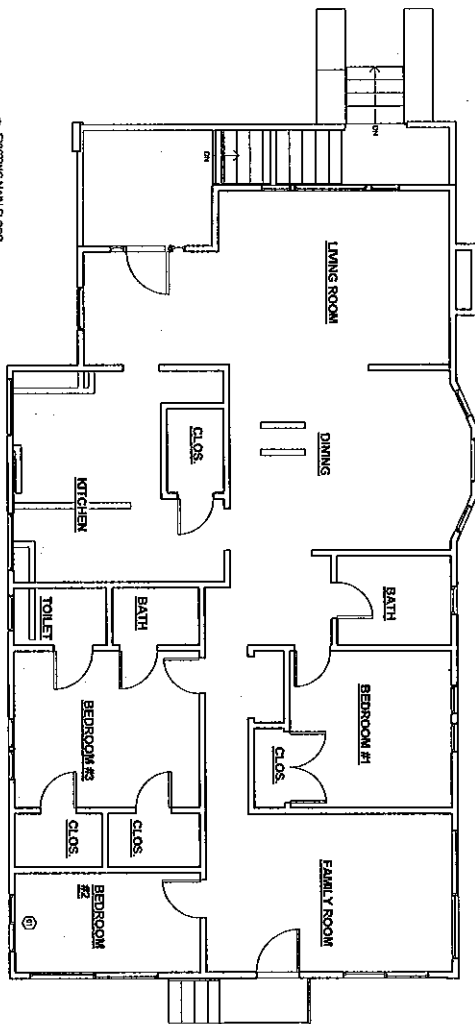


CONTRACTOR TO REPORT ANY ERRORS OR OMISSIONS IN PERMIT DRAWINGS TO PROJECT ARCHITECT.

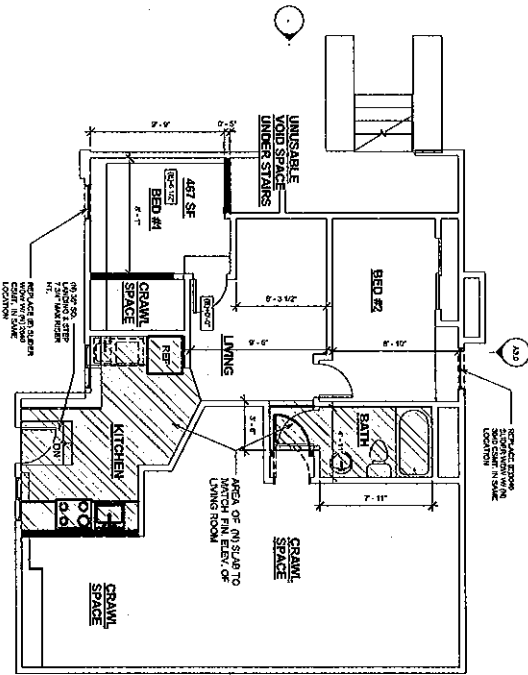
APPROVED FOR PERMIT
 DATE: 10/27/2012

PLANNING CONDITIONS ATTACHED
 X A.U.P. CONDITIONS ATTACHED
 O U.P. CONDITIONS ATTACHED

CONTRACTOR TO REPORT ANY ERRORS OR OMISSIONS IN PERMIT DRAWINGS TO PROJECT ARCHITECT.



② EXISTING MAIN FLOOR
SCALE 1/4" = 1'-0"



① FIRST FLOOR PLAN NEW LAYOUT
SCALE 1/4" = 1'-0"

APPROVED PLAN
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached
 DATE 12/27/2012

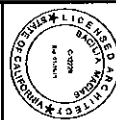
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FLOOR PLANS

DATE	REVISIONS	DATE
	1. 12.28.12	

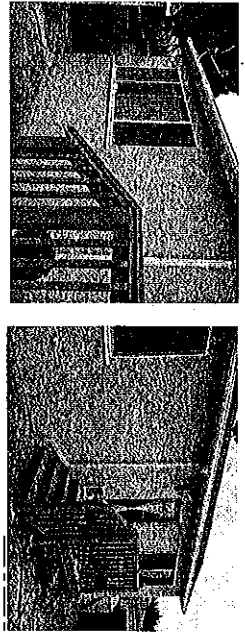
REZA ANSARI AND NAZILA TOBAEI
 RESIDENCE

1735 SAN LORENZO AVE
 BERKELEY, CA 94707



BACILIA MACIAS
 ARCHITECTURE

121 scotts chute ct. el sobrante, ca 94803
 510.694.7910 ph 510.223.5100 fx
 bacia@bmacarch.net



PHOTOS OF REAR

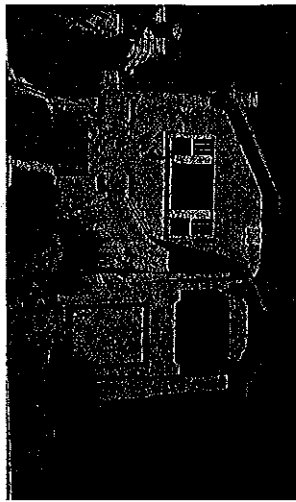
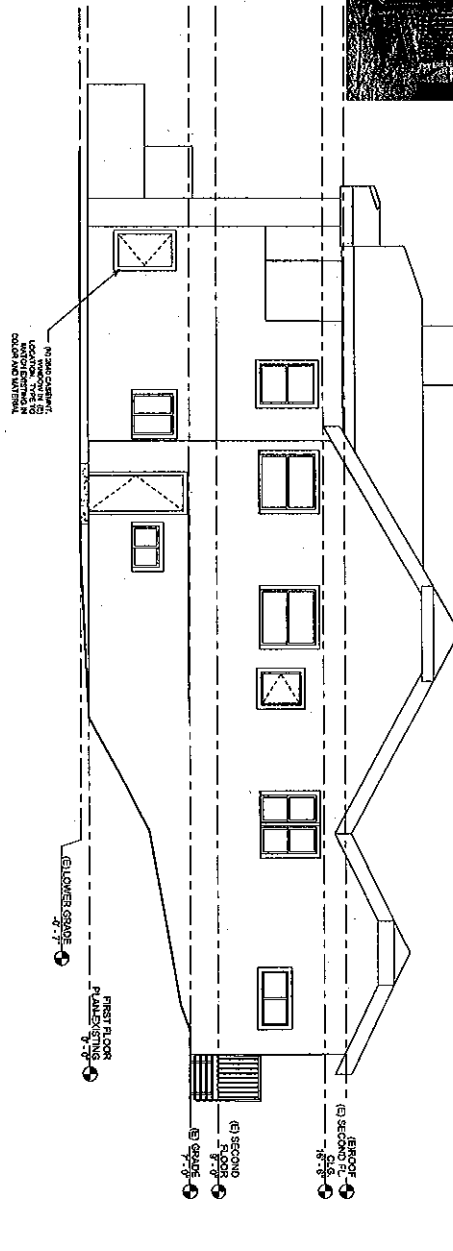
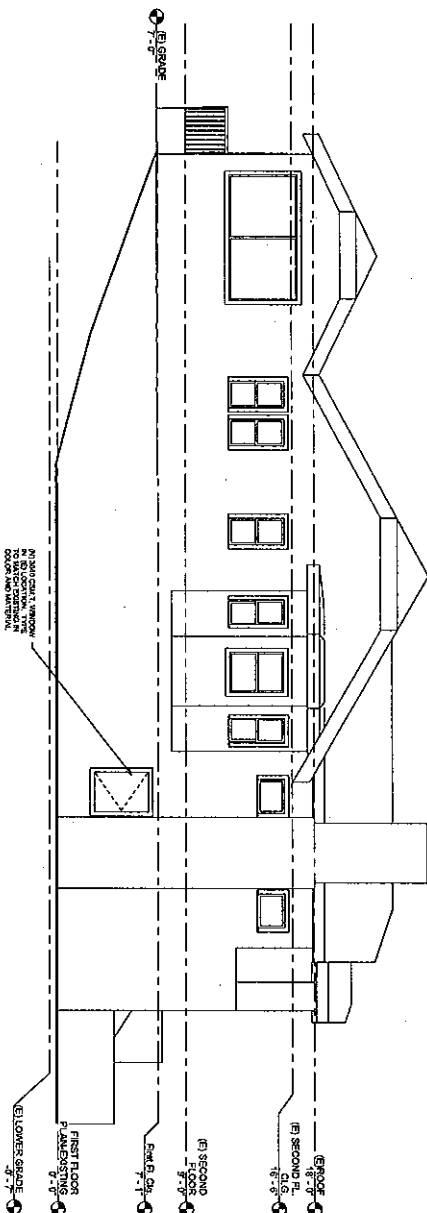


PHOTO OF FRONT (VIEW FROM STREET)

THE FRONT AND REAR ELEVATIONS WILL NOT CHANGE



RIGHT SIDE ELEVATION
1/8" = 1'-0"



LEFT SIDE ELEVATION
1/8" = 1'-0"

APPROVED PLAN
Jenny Steiner
 PLANNING DATE 12/27/2012
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

A3.0

EXTERIOR ELEVATIONS & PHOTOS

REZA ANSARI AND NAZILA TOBAEI RESIDENCE

1735 SAN LORENZO AVE.
BERKELEY, CA 94707



BACILIA MACIAS ARCHITECTURE

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510.891.7810 ph 510.223.5100 fx
bacilia@bmacrch.net

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