



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 #12-20000153

Property Address: **1462 SCENIC AVENUE**

Permittee Name: **CLAD**

Use and/or Construction Permitted: to enlarge an existing 2,314 sq. ft. single family residence by constructing a 332 sq. ft. second story addition, resulting in a new 2,646 sq. ft. residence pursuant to:

- Section 23D.16.070.C to construct a residential addition exceeding 14' in height.

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 28, 2013.

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

February 28, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

FEBRUARY 7, 2013

1462 Scenic Avenue

Administrative Use Permit #12-20000153

To enlarge an existing 2,314 sq. ft. single family residence by constructing a 332 sq. ft. second story addition, resulting in a new 2,646 sq. ft. residence.

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.16.030 (Uses Permitted) and 090 (Findings), the proposed addition may exceed 14' in average height and the building's height is found to be non-detrimental. The height of the proposed addition does not create significant impacts to sunlight, air, or views for the following reasons:
 1. Sunlight – The proposed second floor addition is for a new bedroom and a new bathroom. There is no increase to the existing average or maximum height of the building, therefore the addition is not expected to significantly increase shadows on neighboring residential structures;
 2. Air – Because the proposal satisfies the district standards for minimum side and rear setbacks, it is expected to provide adequate spatial separations between

developments on abutting properties, thereby allowing for adequate air circulation;

3. Views – The proposed addition would not significantly block the adjacent neighbor's views of any significant features. The proposed addition does not increase the existing average or maximum height and will not extend to the full height limit in the R-1 District; and
 4. Privacy – The proposed addition and remodel includes several new windows, however the new windows are not expected to create privacy impacts to the immediate neighbors because:
 - The side and rear setbacks will exceed the District minimum and are therefore found to be adequate;
 - The bathroom windows are made of frosted glass; and
 - The windows are separated from the adjacent northern and southern properties by approximately 11' and 14', respectively.
- As required by Section 23D.16.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for lot coverage, maximum residential density, maximum building height, and minimum side and rear setback side requirements.
 - All abutting and confronting neighbors have signed the plan set with no objections.

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. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

During Construction:

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.

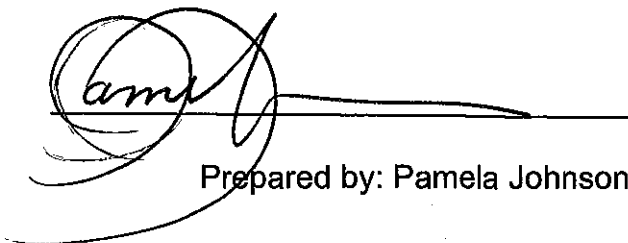
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties 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.

Prior to Issuance of Occupancy Permit or Final Inspection:

23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **DECEMBER 4, 2012**.

At All Times (Operation):

25. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
26. 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.
27. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



Prepared by: Pamela Johnson

RECEIVED
DEC 04 2012

APPROVED PLAN
DATE 1.28.13
PLANNING
D.P. Conditions Attached
A.U.P. Conditions Attached
O.U.P. Conditions Attached

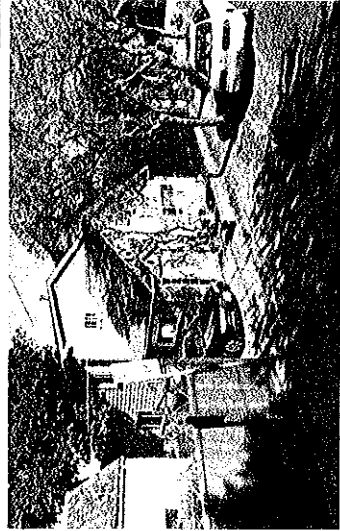
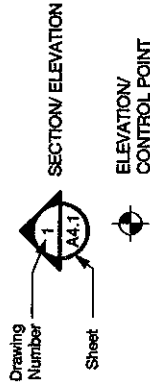


PHOTO OF RESIDENCE



LAND USE PLANNING
ASSESSOR'S PARCEL NO: 59-2253-26

ADDRESS: 1462 Scenic Avenue
Berkeley, CA 94708

OWNER: David Tjen & Lynn Tsou
1462 Scenic Avenue
Berkeley, CA 94708

ARCHITECT: CLAD
5771 Buena Vista Avenue
Oakland, CA 94618
510.654.4681

ZONING DISTRICT: R-1H

TYPE OF CONSTRUCTION: TYPE V

BUILDING CODE: 2010 CA BUILDING CODE
2010 CA RESIDENTIAL CODE
2010 CA ELECTRICAL CODE
2010 CA PLUMBING CODE
2010 CA ENERGY CODE
2010 CITY OF BERKELEY AMENDMENTS
CITY OF BERKELEY MUNICIPAL CODE

OCCUPANCY: R-3

LOT SIZE: 5,760sf

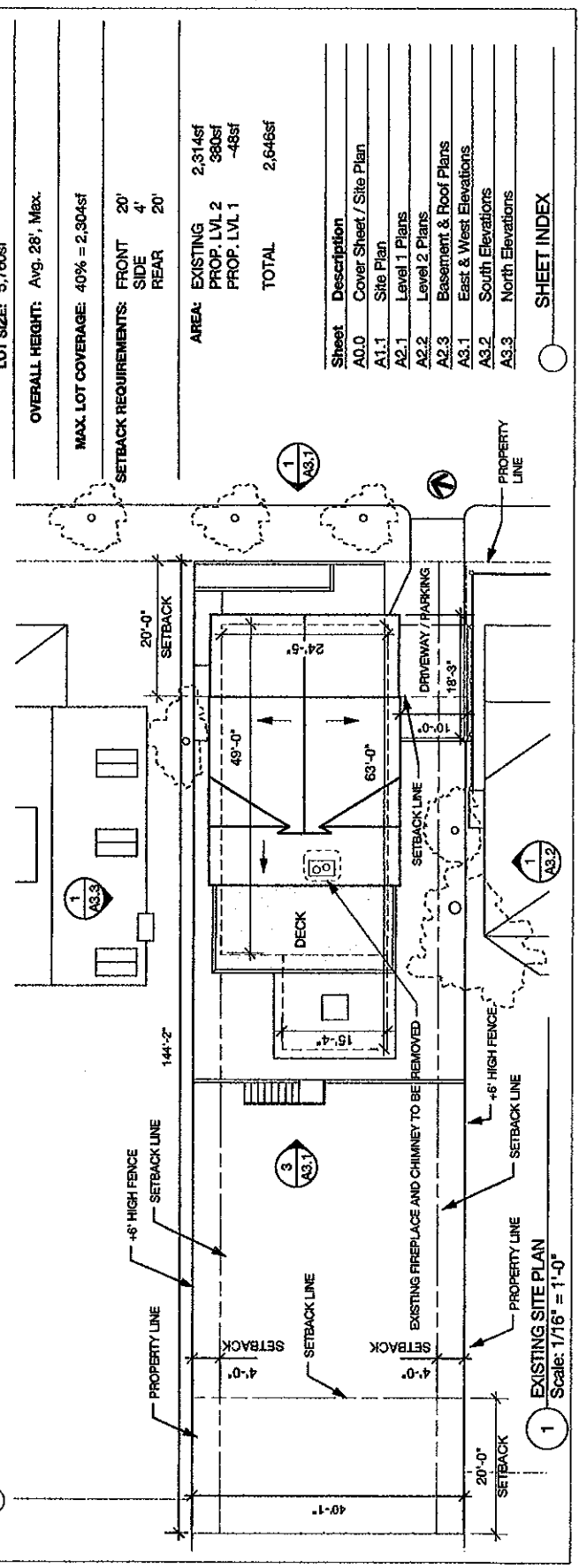
OVERALL HEIGHT: Avg. 28', Max.

MAX. LOT COVERAGE: 40% = 2,304sf

SETBACK REQUIREMENTS: FRONT 20'
SIDE 4'
REAR 20'

AREA: EXISTING 2,314sf
PROP. LVL 2 380sf
PROP. LVL 1 -48sf
TOTAL 2,646sf

PROJECT DESCRIPTION:
Removal of and addition to single family dwelling unit.
Addition encloses existing second level rear deck space for a new master, bed and bath suite. Remodel reconfigures interior layout of 1st and second level, and removal of front, southeast corner of home for a small, covered entry porch.



1 EXISTING SITE PLAN
Scale: 1/16" = 1'-0"

CLAD ARCHITECTURE GROUP
5771 Buena Vista Avenue
Oakland, CA 94618
T 510.654.4681
F 510.654.4122

Revision: _____ Date: 10 November 2012
Notes: All work to be done in accordance with the City of Berkeley Building Code and the City of Berkeley Municipal Code. The architect shall be responsible for obtaining all necessary permits from the City of Berkeley.

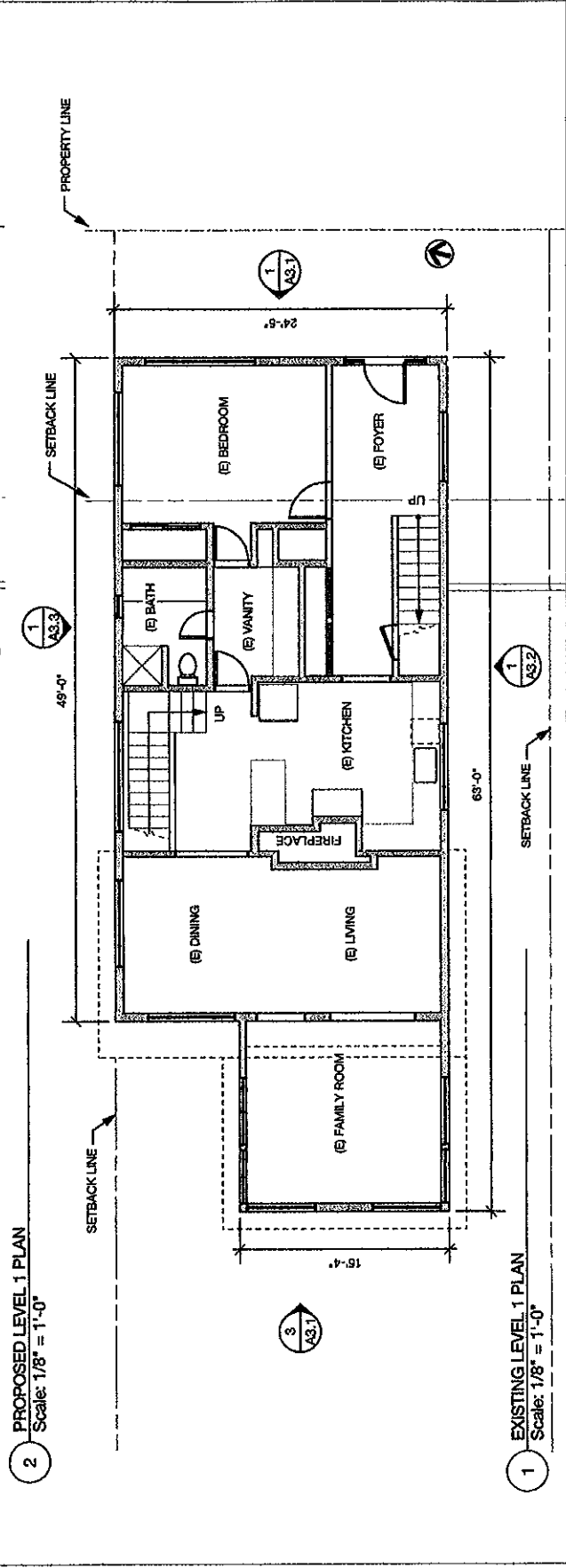
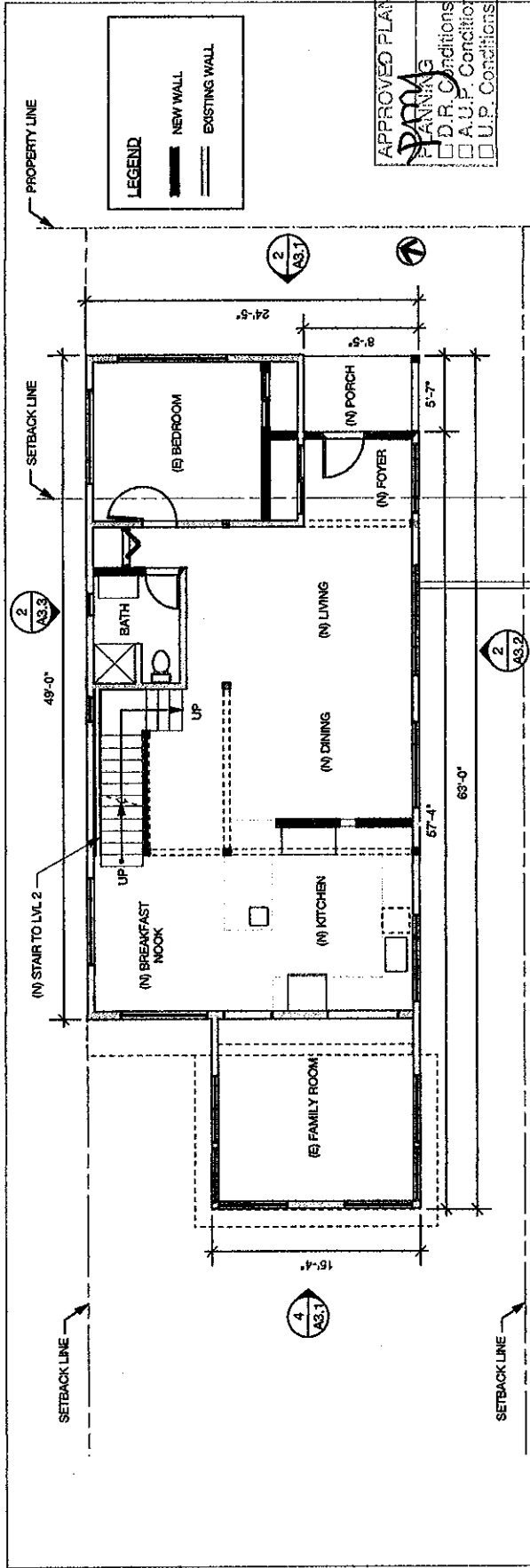
1462 Scenic
COVER
Scale: as noted
Project: 1462SCA
A0.0
SHEET INDEX

APPROVED PLAN
 1.28.13
 DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

Revision: _____ Date: _____
 Issue Date: 15 November 2012
 Approved by: _____
 Checked by: _____
 Drawn by: _____

1462 Scenic
 LEVEL 1 PLANS

Scale: as noted
 Project: 1462SC



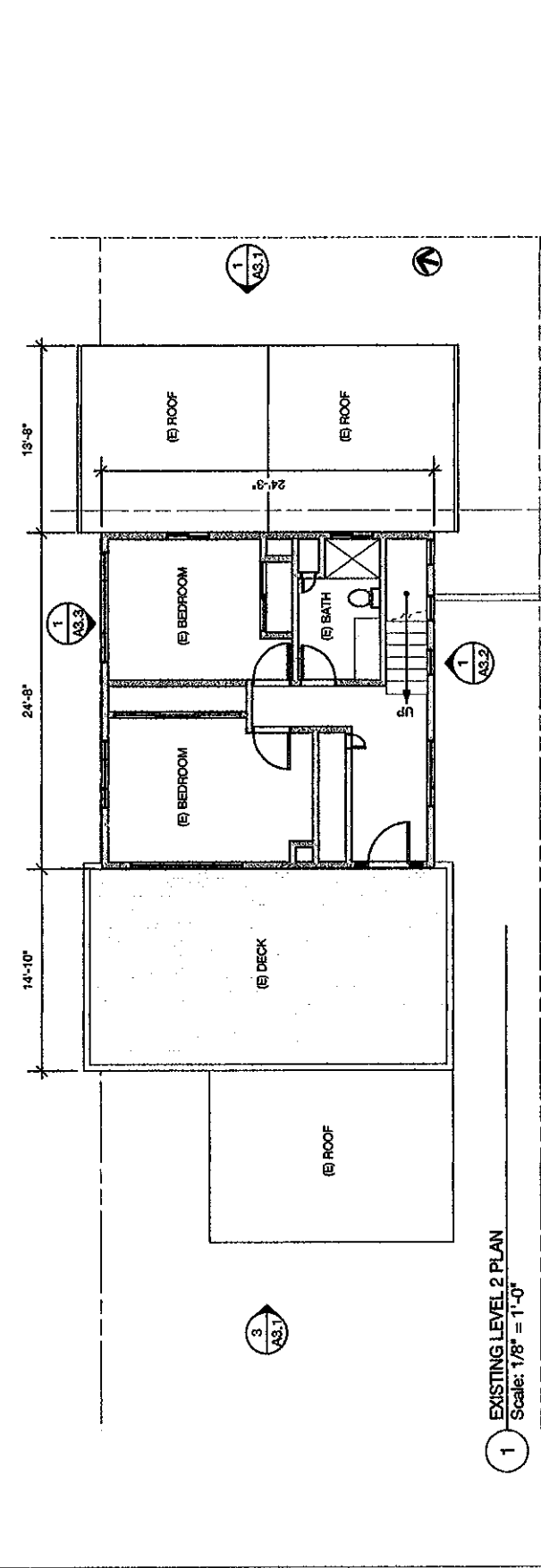
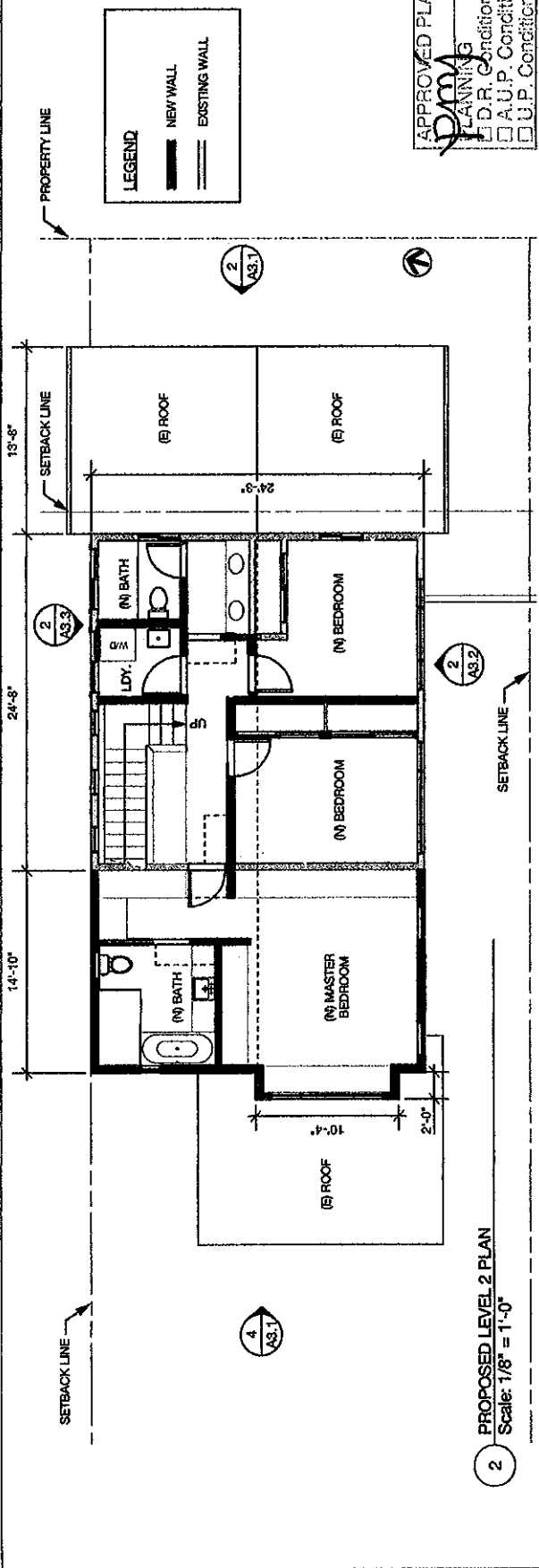
clad

6771 Buena Vista Avenue
Oakland, CA 94618 USA
www.cladstudio.com
P 510 864 4821
F 510 864 4122

APPROVED PLAN
DATE 1.28.13
PLANNING
D.R. Conditions Attached
A.U.P. Conditions Attached
U.P. Conditions Attached

Revision
Date
Issue Date: 15 November 2012
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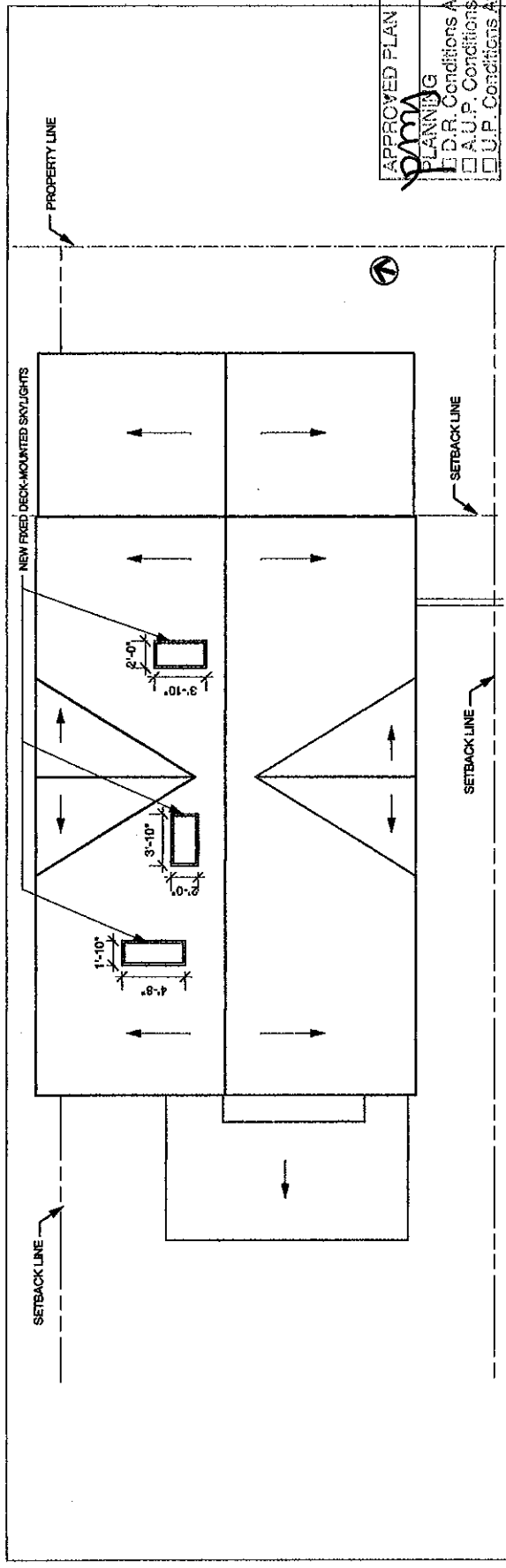
1462 Scenic
LEVEL 2 PLANS
Scale: as noted
Project: 146202E
A2.2



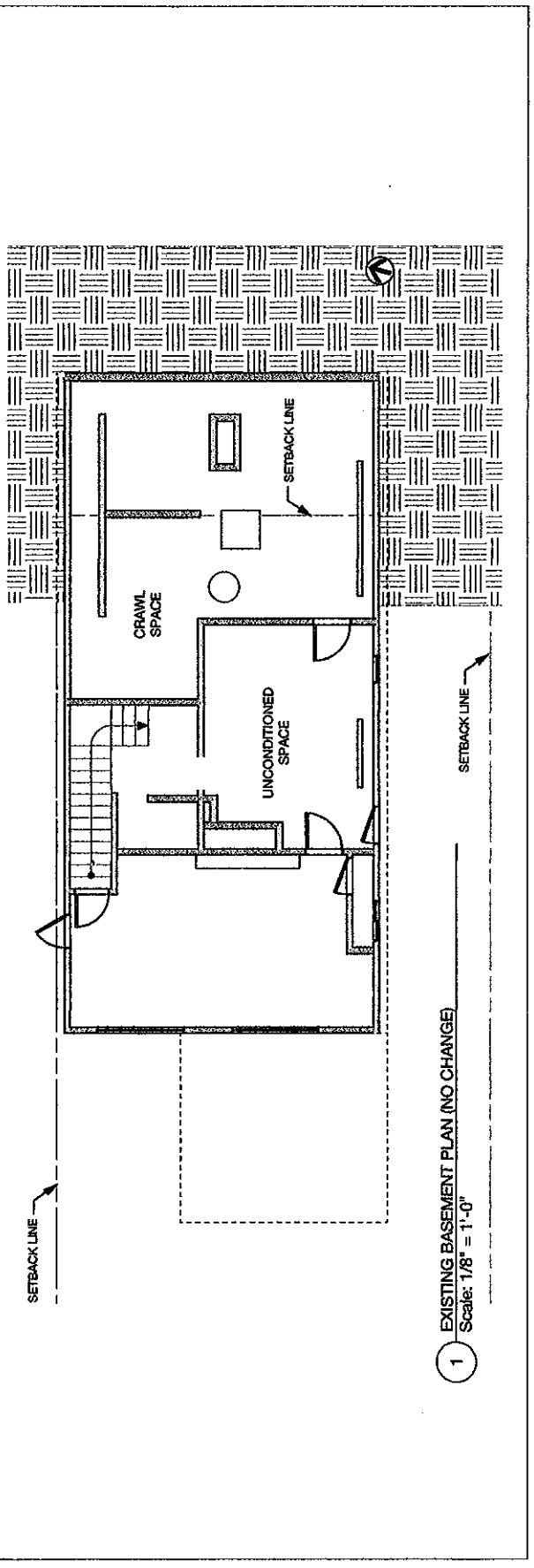
APPROVED PLAN
 PLANING
 DATE
 1.7.8.13
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

Revision
 Date
 15 November 2012

1462 Scenic
 PLANS
 Scale: as noted
 Project: A2.3



2 PROPOSED ROOF PLAN
 Scale: 1/8" = 1'-0"



1 EXISTING BASEMENT PLAN (NO CHANGE)
 Scale: 1/8" = 1'-0"

LEGEND

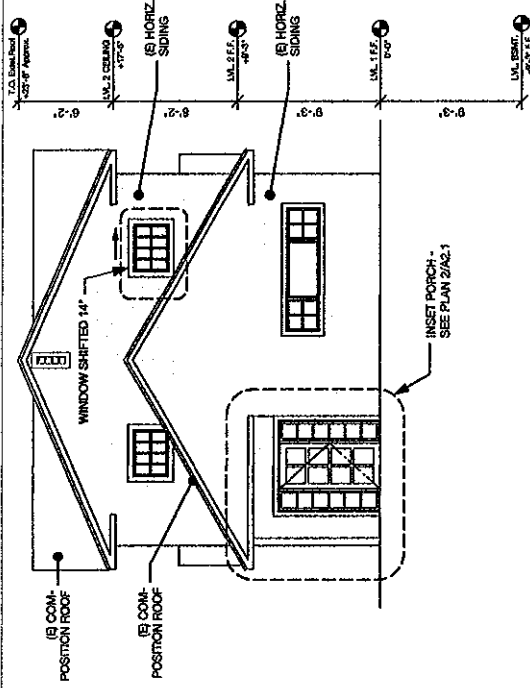
WINDOW TO BE RELOCATED
 (R#) RELOCATED EXISTING WINDOW
 (N) NEW WINDOW

APPROVED PLAN 1-28-13
DATE

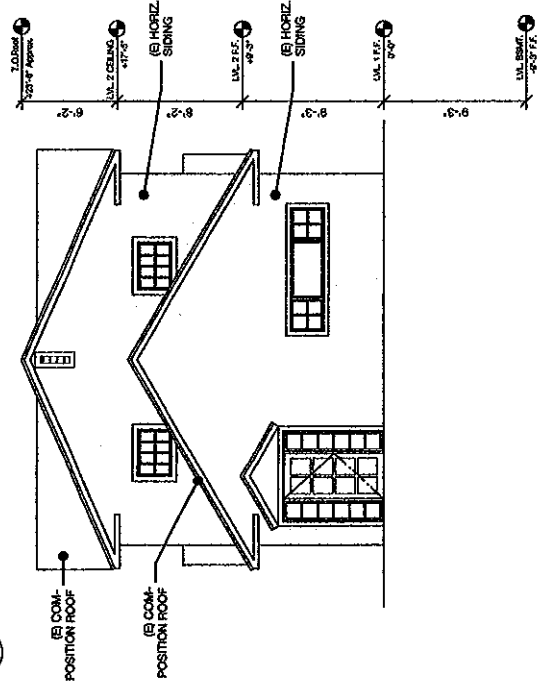
D.M. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

PAINTED HORIZONTAL SIDING

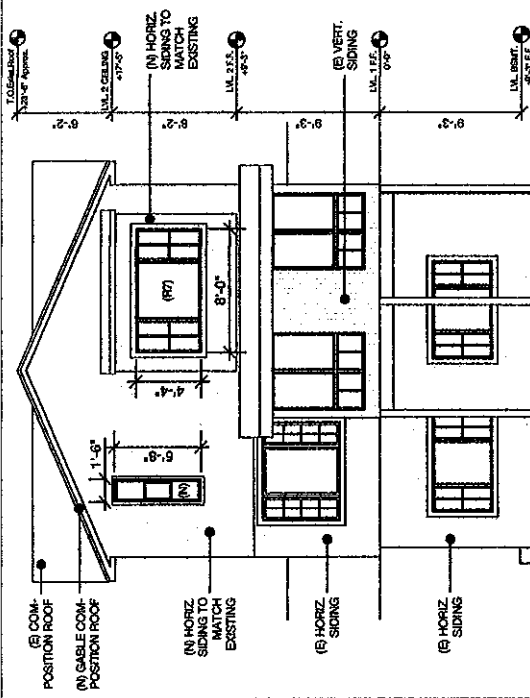
VINYL WINDOWS



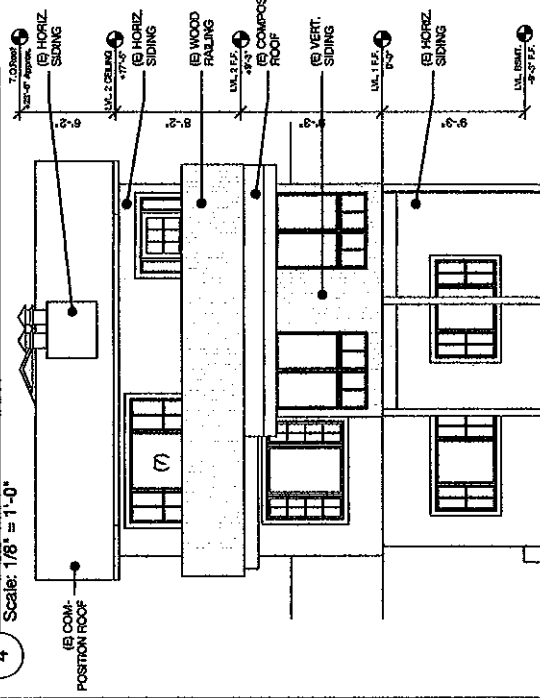
2 Proposed East Elevation
 Scale: 1/8" = 1'-0"



1 Existing East Elevation
 Scale: 1/8" = 1'-0"



4 Proposed West Elevation
 Scale: 1/8" = 1'-0"



3 Existing West Elevation
 Scale: 1/8" = 1'-0"

LEGEND

#	WINDOW TO BE RELOCATED
(R#)	RELOCATED EXISTING WINDOW
(N)	NEW WINDOW

	PAINTED HORIZONTAL SIDING
	VINYL WINDOWS

APPROVED PLAN
 1-28-13
 DATE
 D.P. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

Revision	Date
Issue Date	15 November 2012

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1462 Scenic
 South Elevation

Scale: as noted
 Project: 1462SB2
A3.2



2 Proposed South Elevation
 Scale: 1/8" = 1'-0"

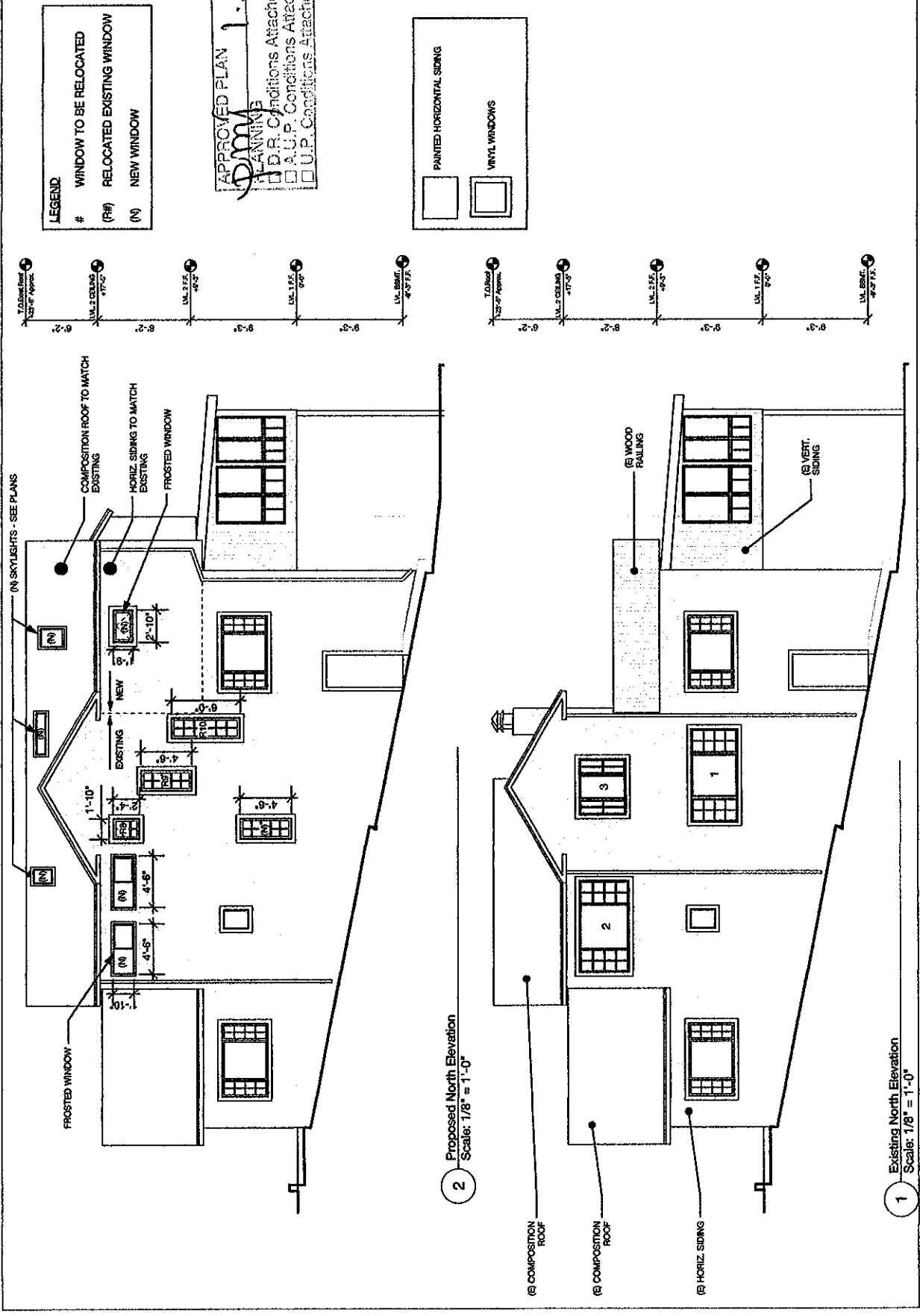
1 Existing South Elevation
 Scale: 1/8" = 1'-0"

APPROVED PLAN
 DATE 1.28.13
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

Revision Date
 Issue Date 15 November 2012
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 All materials and finishes are to be approved by the architect.

1462 Scenic
 North Elevation

Scale as noted
 Project: 1462SC2
 A3.3



LEGEND
 # WINDOW TO BE RELOCATED
 (R#) RELOCATED EXISTING WINDOW
 (N) NEW WINDOW

PAINTED HORIZONTAL SIDING
 VINYL WINDOWS