



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 #12-20000141

Property Address: **801 CEDAR STREET**

Permittee Name: **DAVID TRACHTENBERG**

Use and/or Construction Permitted: to expand an existing office space by 1,250 square-feet and to reduce the additional number of required off-street parking spaces from two to zero pursuant to:

- Section 23E.84.030 to construct up to 5,000 square feet of office space; and
- Section 23E.28.130 to reduce the number of required off-street parking spaces.
- Section 23E.08 for staff level design review for exterior changes to the building.

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 March 15, 2013.

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

March 15, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

FEBRUARY 22, 2013

801 Cedar Street

Administrative Use Permit #12-20000141 to expand an existing office space by 1,250 square-feet and to reduce the additional number of required off-street parking spaces from two to zero.

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:
 - A. The expansion of an existing office space will support the continued development the district as mixed - use in that it provides a transition area between the more industrial activities and less intense commercial and residential uses and is the expansion of a use that has been at this location since 1989.

OTHER REQUIRED FINDINGS

3. Pursuant to Berkeley Municipal Code Section 23E.28.130, the Zoning Officer finds that the reduction in the number of required parking spaces for the project will not substantially reduce the availability of on-street parking in the vicinity of the use and is permissible because the application meets the required findings as further detailed below:
 - A. The project is compatible with the surrounding uses and buildings in that it is adding to the existing office that has been part of the area since 1989.

- B. As required under Section 23E.28.140.B, the reduction in the number of required off-street parking spaces in conjunction with the project's location one block from the AC Transit transbay bus line (Z) and within one-third of a mile from the bus stop on Cedar at San Pablo (52, 72, 72M, 800, and G) will encourage the use of public transit thus implementing the General Plan's goals to encourage alternative modes of transportation.
- C. The business offers several incentives to its employees to encourage the use of alternative modes of transportation including: commuter checks, loaner bicycles, flex-time and a cash rewards program for employees who utilize these alternatives.

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.

DESIGN REVIEW CONDITIONS

- 1) The proposal to expand existing second floor office is approved as shown on the drawings dated "received 11/05/12" subject to the following conditions.
- 2) No changes can be made to these approved plans without Design Review approval.
- 3) **COLORS** Prior to Design Review sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Design Review Staff or note where color matches existing. All materials will be matte unless otherwise noted.

- 4) **CLEAR GLASS** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, or includes signage, shall be indicated on all drawings, and shall be reviewed for approval by Design Review Staff.
- 5) **DETAILS** Prior to Design Review sign-off of the Building Permit set of drawings, the applicant shall submit window, roof, equipment screen and trim details for review and approval by the Design Review Staff.
- 6) **ROOF EQUIPMENT** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and design review may be required.
- 7) **LIGHTING** Prior to Design Review sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 8) The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
- 9) The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Design Review Staff, which may modify or impose additional conditions, or revoke the design review approval.
- 10) All building permit drawings and subsequent construction shall substantially conform to the final design review plans as outlined in Condition #1. Any modifications must be reviewed by the Zoning Officer or his designee to determine whether the modification requires approval.

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:

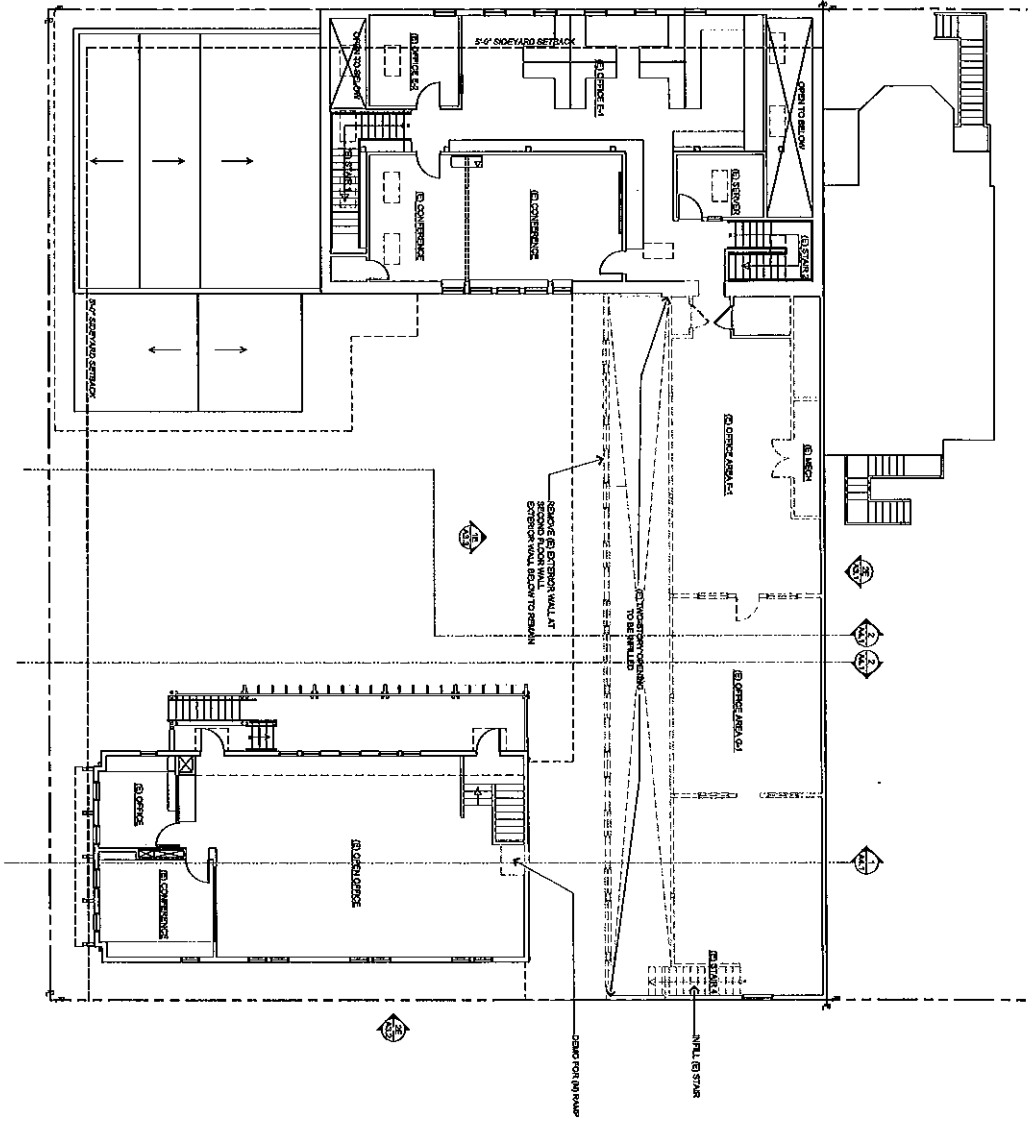
23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **NOVEMBER 5, 2013**.

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.



Claudine Asbagh, Assistant Planner for
Debra Sanderson, Zoning Officer



1 SECOND FLOOR DEMO PLAN
 1/2" = 1'-0" @ 1/8" = 1'-0" @ 2/32" = 1'-0"

- GENERAL SHEET NOTES**
- ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 - REMOVE EXISTING WALLS AND PARTITIONS TO FACE OF WALL.
 - REMOVE EXISTING WALLS AND PARTITIONS TO FACE OF WALL.
 - REMOVE EXISTING WALLS AND PARTITIONS TO FACE OF WALL.

LEGEND

- () CONSTRUCTION TO BE REMOVED
- () WALLS TO REMAIN

2411 Fourth Street
 Berkeley, CA 94704
 Tel: 510.863.6004
 www.TrachtenbergArch.com

Backroads Addition

801 Cedar Street
 Berkeley, CA

11.02.2012 ZONING SUBMITTAL

ALL DIMENSIONS AND MATERIALS SHALL BE AS SHOWN UNLESS NOTED OTHERWISE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND MATERIALS WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION. THE ARCHITECT SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND MATERIALS WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION.

SHEET
 JOB: 1217

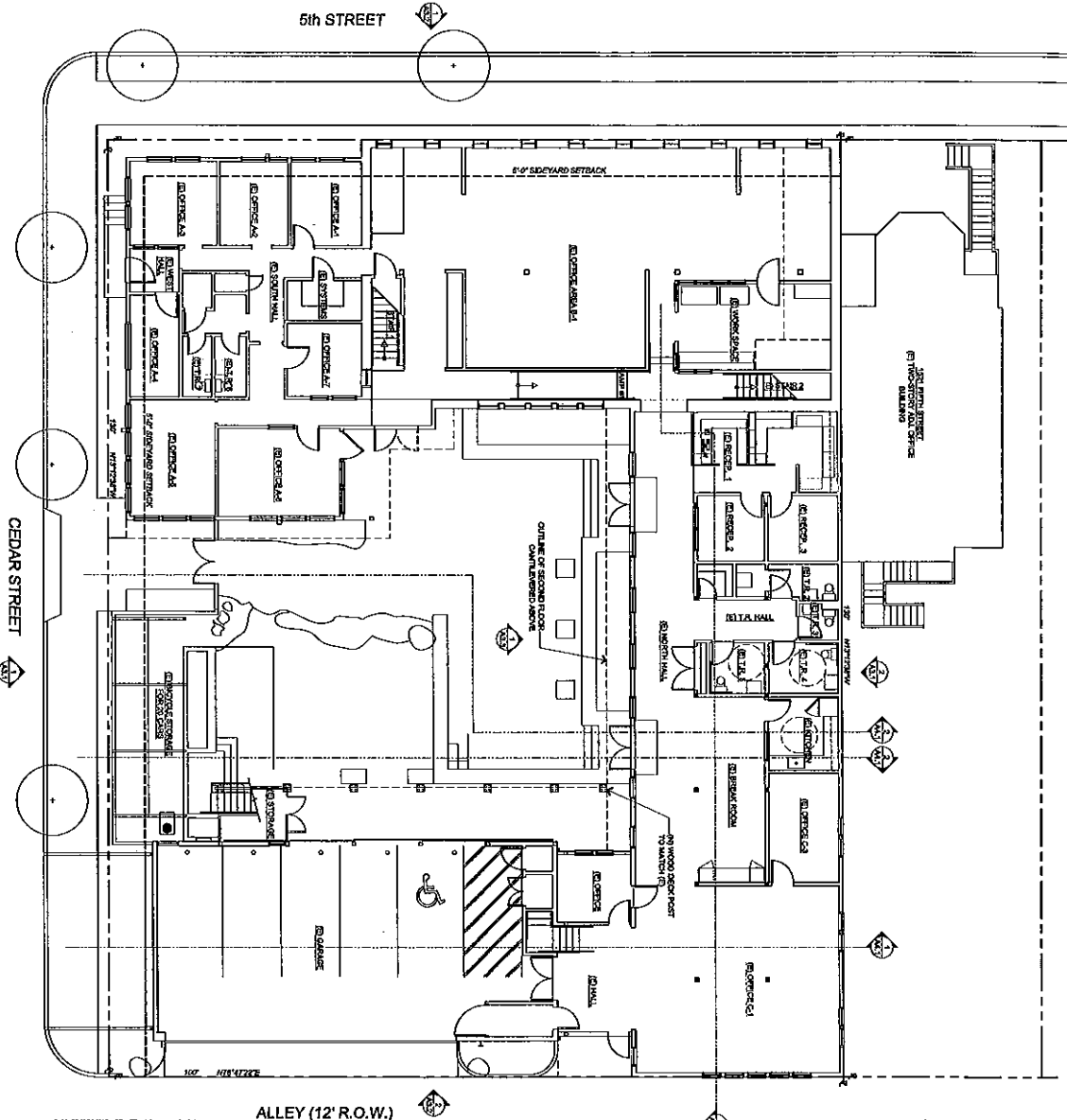
SECOND FLOOR DEMO PLAN

A2.0B

U.A.

APPROVED PLANS

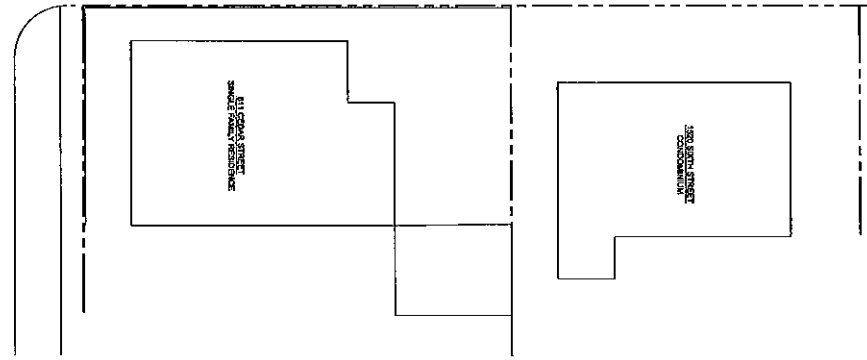
PLANNING	DATE
<input type="checkbox"/> D.R. Conditions Attached	2/11/13
<input type="checkbox"/> S.A.U.P. Conditions Attached	
<input type="checkbox"/> U.P. Conditions Attached	



1
A2.1
1/8"=1'-0" @ 11x17
1/8"=1'-0" @ 24x36



- GENERAL SHEET NOTES**
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. FINISH AND FLOOR OR MATERIAL LOCATION DIMENSIONS ARE SHOWN.
 3. SHOW, CENTER DOOR, WINDOW OR WALL.
 4. PROVIDE EXISTING STUDY AT INSIDE SIDE OF DOOR.
 5. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN.
 6. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
 7. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
 8. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
 9. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
- LEGEND**
- 01 WALLS TO REMAIN
 - 01 WALLS



TRACHTENBERG ARCHITECTS

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Backroads Addition

801 Cedar Street
Berkeley, CA

11/02/2012 ZONING SUBMITTAL

008 1217

ALL FINISHES AND MATERIALS LISTED ARE APPROVED BY THE ARCHITECT AND SHALL BE AS SHOWN UNLESS NOTED OTHERWISE. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

GROUND FLOOR PROPOSED PLAN

A2.1

APPROVED PLAN
For D. SANDERSON
DATE 2/21/13
PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

**TRACHTENBERG
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**Backroads
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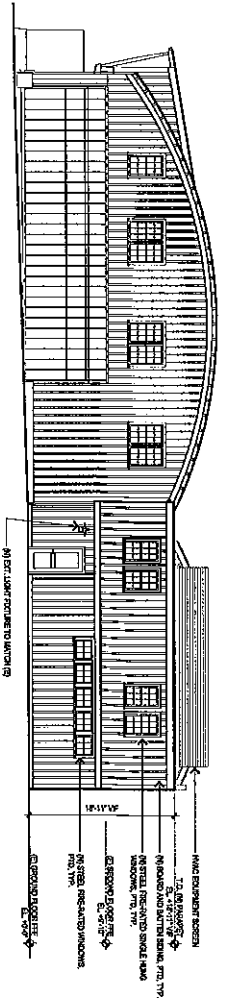
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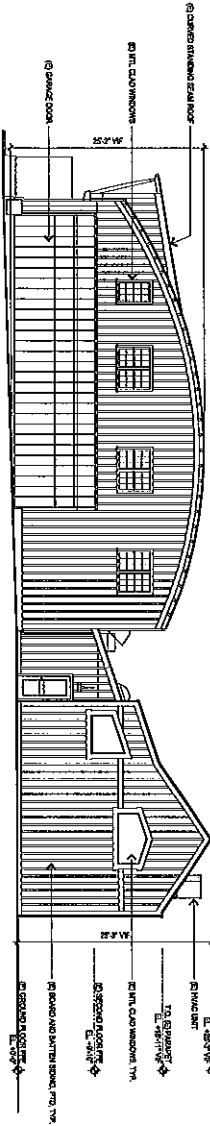
2421

**EXTERIOR
ELEVATIONS**

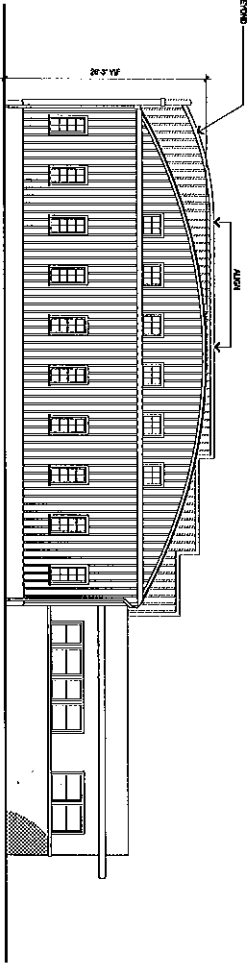
A3.2



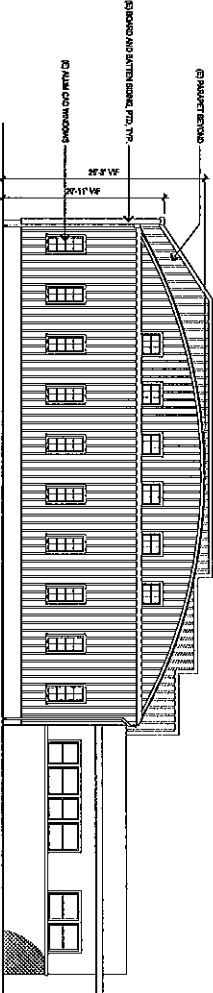
2
PROPOSED EAST ELEVATION
A3.2
1/8"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36
0 4 8 16



2E
EXISTING EAST ELEVATION
A3.2
1/8"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36
0 4 8 16



1
PROPOSED WEST ELEVATION
A3.2
1/8"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36
0 4 8 16



1E
EXISTING WEST ELEVATION
A3.2
1/8"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36
0 4 8 16

APPROVED PLAN
DATE 2/21/13
PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

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**Backroads
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11.02.2012 ZONING SUBMITTAL

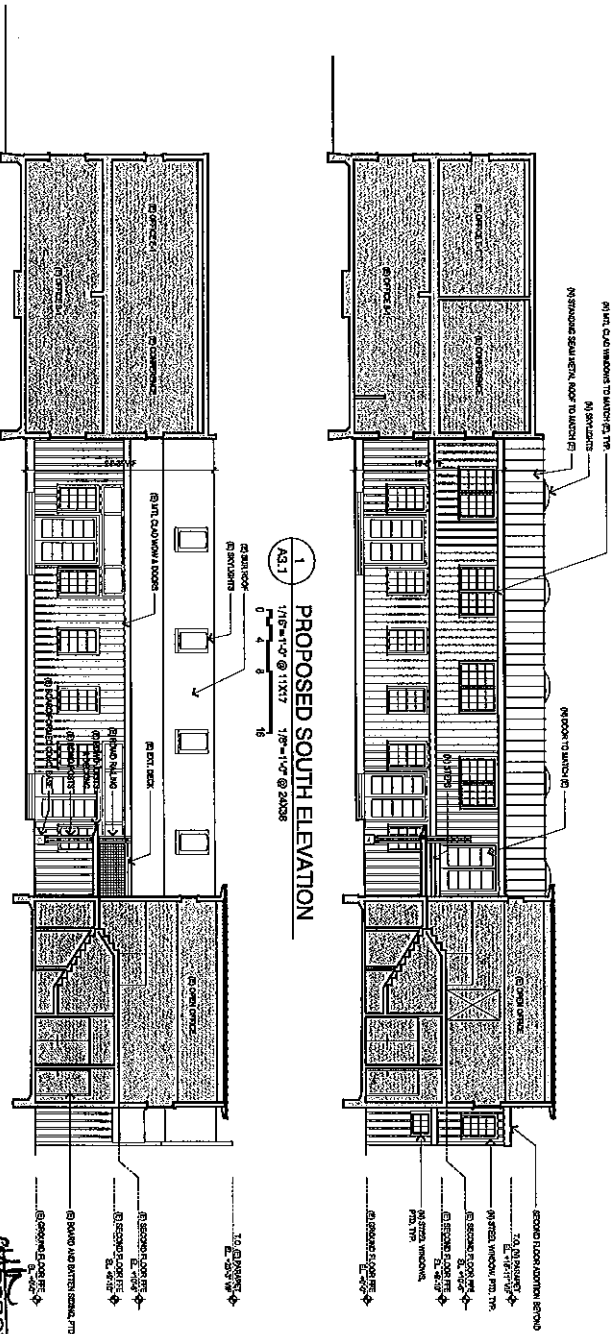
ALL DIMENSIONS AND SPACING UNLESS OTHERWISE NOTED.
WORK OF THE ARCHITECT AND ANY WORKER THEREUNDER SHALL BE IN ACCORDANCE WITH THE CURRENT CODES OF THE CITY OF BERKELEY AND THE CALIFORNIA BUILDING DEPARTMENT.

JOB: 1217

SHEET:

**EXTERIOR
ELEVATIONS**

A3.3



APPROVED PLAN
DATE: 2/11/12
V. S. K. / J. S. K.

PLANNING

D.R. Conditions Attached

A.U.P. Conditions Attached

U.P. Conditions Attached

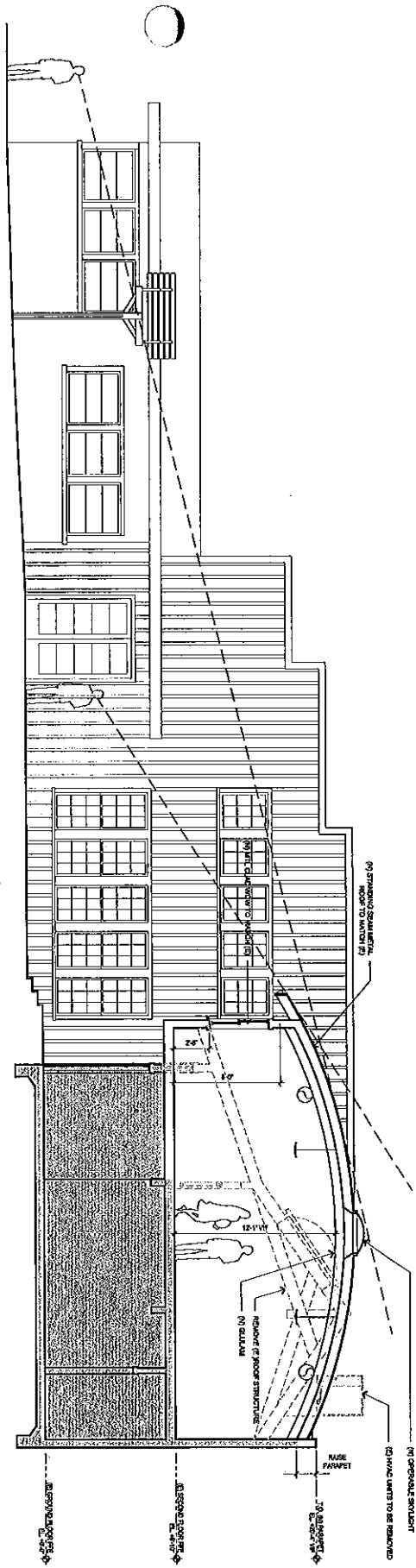
TRACHTENBERG ARCHITECTS

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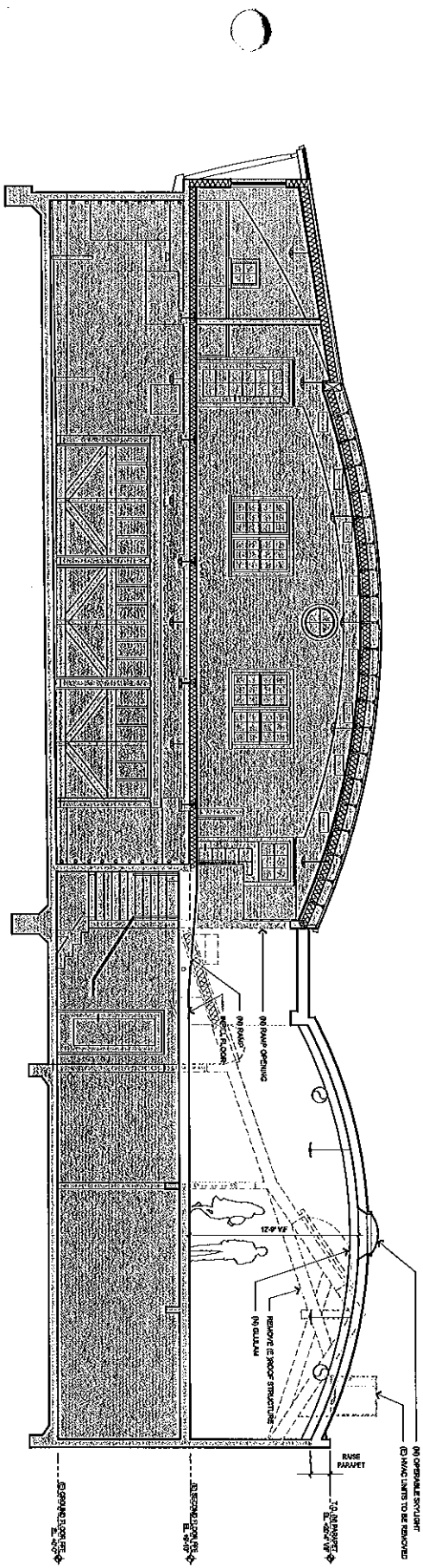
Backroads Addition

801 Cedar Street
Berkeley, CA

11.02.2012 ZONING SUBMITTAL



2
A4.1
1/8"=1'-0" @ 1/32" 1/4"=1'-0" @ 3/16"



1
A4.1
1/8"=1'-0" @ 1/32" 1/4"=1'-0" @ 3/16"

A4.1

BUILDING SECTIONS

APPROVED BY DATE 2/28/13
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

ALL DRAWINGS AND HEIGHTS MATERIAL, FINISHING
 CLEAN CONSTRUCTION, GENERAL AND NOT RELATED
 TO THE PROJECT, LATER OR DISCREPANT WITH THE
 CONTENT OF THE CONTRACT DOCUMENTS.

