



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 #13-20000015**

Property Address:

**1672 LINCOLN STREET**

Permittee Name:

**KATHRYN ROGERS & KERSTIN  
HELLMANN**

Use and/or Construction Permitted: to construct a two-story, approximately 1,095 square foot major residential addition that will increase the average height of the residence from 15' 4" to 25' 4", increase the maximum height from 15' 5" to 27' and vertically extend the existing non-conforming front yard (15' 1" where 20' is required). The project will also remove the existing 342 square foot garage and construct a new accessory building that measures 288 square feet with a maximum height of 12' within four feet of the side property line pursuant to:

- Section 23D.28.030 to construct a major residential addition;
- Section 23D.28.030 to construct an addition over 14' in average height;
- Section 23C.04.070 to vertically extend a portion of a building within a required yard;
- 23D.08 to construct a habitable accessory building; and
- 23D.08.020 to construct an accessory structure greater than 10' in average height within four feet of a property line.

## 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 April 11, 2013.

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

April 11, 2013  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

MARCH 21, 2013

### 1672 Lincoln Street

#### Administrative Use Permit #13-20000015

To construct a two-story, approximately 1,095 square foot major residential addition that will increase the average height of the residence from 15' 4" to 27', increase the maximum height from 15' 5" to 25' 4" and vertically extend the existing non-conforming front yard (15' 1" where 20' is required). The project will also remove the existing 342 square foot garage and construct a new accessory building that measures 288 square feet with a maximum height of 12' within four feet of the side property line.

#### 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.28.090.B (Findings), the Zoning Officer finds that the project should not be denied because the proposed addition would not unreasonably obstruct sunlight, air, or views, because it would not cast new shadows on the windows or a substantial area of open space of adjacent residences. The addition remains well outside of the required yards, and is located within the general footprint of the existing dwelling in an area that is already developed with substantial vegetation that also filters views.

- As required under Section 23D.28.070 (Development Standards), this project is permissible because the subject property satisfies the district standards for maximum residential density, maximum main building height, minimum rear, and side yard setbacks, maximum lot coverage and minimum open space.
- As required under Section 23D.28.080 (Parking), the project would not increase parking demand and the relocated parking is provided in accordance with the minimum requirement and complies with screening and location requirements.
- As required under Section 23C.04.070 (Expansions of Non-Conforming Buildings and Structures), the project is permissible because the alteration will not encroach further into the required front yard.
- As required under Section 23D.08.010.B (Accessory Buildings), the creation of an accessory building at this location is found to be non-detrimental. The structure will be located at the southwest corner of the property and has been oriented so that activities and associated impacts will be directed towards the interior of the property away from adjacent parcel lines. As a result of this design, the structure is not expected to create any significant impact to adjacent residences.
- When finished, the building will have a shed roof with a maximum height of 12' that is will not cause detriment because it will not unreasonably obstruct sunlight, air, or views, because it would not cast new shadows on the windows or a substantial area of open space.

## **STANDARD CONDITIONS**

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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 **FEBRUARY 2, 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.

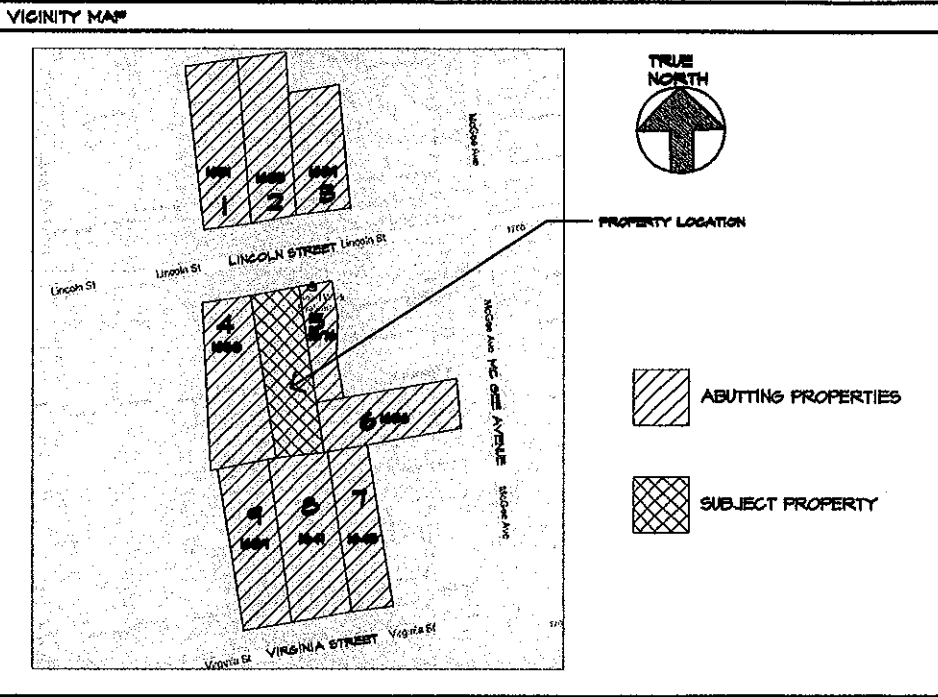


Claudine Asbagh, Assistant Planner for  
Debra Sanderson, Zoning Officer

PROJECT DATA			
CLIENT:	MATTHEW & ANNA HOLLANDER		
ADDRESS:	1672 LINCOLN STREET, BERKELEY		
APN:	84-288-01		
LOT SIZE:	8,041 S.F.		
ZONING:	R2		
OCCUPANCY:	R2		
CONSTRUCTION TYPE:	V-8		
LIMITATION		EXISTING	ALLOWABLE
FRONT SETBACK	18'-4"	20'-0"	NO CHANGE
REAR SETBACK	60'-9"	20'-0"	NO CHANGE
SIDE SETBACK	4'-8" EAST, 2'-10 1/4" WEST	5'-4"	NO CHANGE EAST, 4'-0" WEST
LOT COVERAGE	39.2%	40%	30.2%
BUILDING FOOTPRINT	1428 S.F.	2014 S.F. MAX.	1922 S.F.
USABLE OPEN SPACE	> 400 S.F.	400 S.F. MIN.	> 400 S.F.
AVERAGE BUILDING HEIGHT	12'-4"	28'	28'-4"
PARKING	1	1	NO CHANGE
BUILDING AREA		EXISTING	PROPOSED
FIRST FLOOR	1093 S.F.	1284 S.F.	
SECOND FLOOR	-	448 S.F.	
GARAGE	844 S.F.	-	
ACCESSORY BUILDING	-	280 S.F.	

SCOPE OF WORK			
- MAJOR RESIDENTIAL ADDITION, HORIZONTAL ADDITION OF 82 S.F. AND A NEW 448 S.F. SECOND FLOOR			
- ALTERATION OF THE ROOF WITHIN THE EXISTING NON-CONFORMING SETBACK AT THE STREET FRONT			
- THE ADDITION OF A 280 S.F. ACCESSORY BUILDING IN THE REAR YARD			
- REMOVAL OF EXISTING GARAGE			
DRAWING INDEX			
AO	PROJECT DATA, SCOPE OF WORK, DRAWING INDEX, LEGEND, APPLICABLE CODES, ABBREVIATIONS, VICINITY MAP, SITE PLAN, SIGNATURE CHART		
A1	EXISTING SITE PLAN, FLOOR PLANS & EXTERIOR ELEVATIONS		
A2	PROPOSED FLOOR PLANS		
A3	PROPOSED EXTERIOR ELEVATIONS		

ARCHITECTURAL LEGEND	
	(E) WALLS TO REMAIN
	(E) WALLS, DOORS, WINDOWS TO BE REMOVED
	(N) 2x STUD WALL
	(N) 2x STUD LON WALL
	(N) HARDY FRAME WALL
	CENTER LINE
	DOOR SWING INDICATION
	PROPERTY LINE
	FINISHED FLOOR TO CEILING HEIGHT
	REVISION CLOUD & REVISION NUMBER REFERENCE



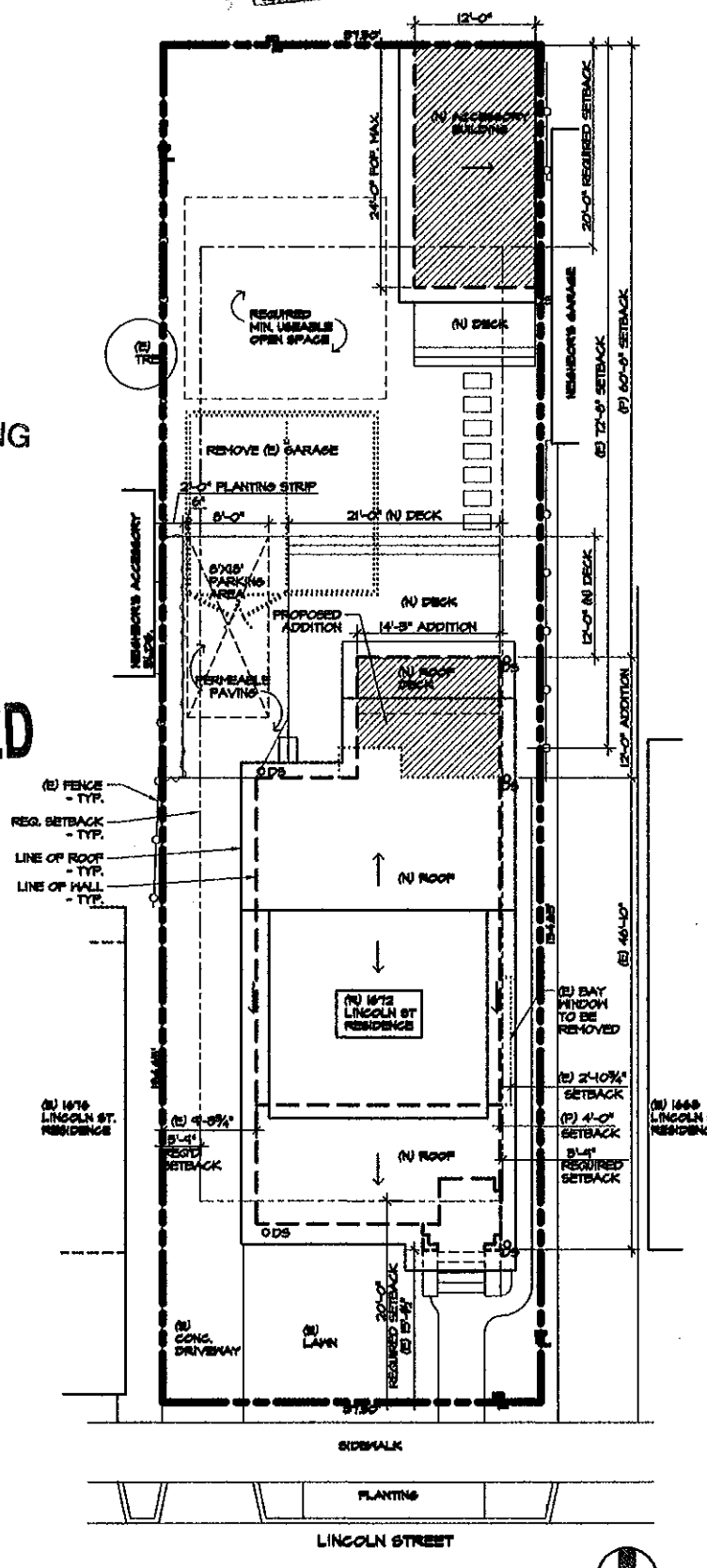
ABBREVIATIONS			
1	PLUG OR NUTS AT DIAMETER	HD	HOSE BIBB
AD	ANCHOR BOLT ADJUSTABLE	INSUL	INSULATION
ADJ	ADJUSTABLE	LAV	LAVATORY LEVEL
BD	BOARD BETWEEN BLOCKING	MAX	MAXIMUM MECHANICAL HEIGHT
CAB	CABINET	MEH	METAL
CJ	CEILING JOIST	NEH	NEH
CL6	CEILING	OV	OVER OPENING
CLO	CLOSET	OPNS	OPENING
CLR	CLEAR		
CONC	CONCRETE		
D	DRYER	(P)	PROPOSED PERP. DRAIN LINE
DEMO	DENOLITION	PAR	PARALLEL
DS	DOWNSPUT	PERP	PERPENDICULAR
DH	DISHWASHER	PLY	PLYWOOD
DWG	DRAWING	PLY	PLYWOOD
(E)	EXISTING	(R)	REMODEL
EL	ELEVATION	RISER	RISER
EQ	EQUAL	ROOF DRAIN	ROOF DRAIN
		REF	REFRIGERATOR
		RL	RAIN LEADER
		RO	ROUGH OPENING
FD	FLOOR DRAIN		
FF	FLOOR FINISH		
FKT	FIXTURE	SCHED	SCHEDULE
FL	FLASHING	SMILAR	SMILAR
FLR	FLOOR	SLOPE	SLOPE
FS	FACE OF STUD	STRUC	STRUCTURAL
FR	FACE OF WALL		
FRR	FURRING		
		T	TREAD TO BE DETERMINED
GA	GALVE	TBD	TIGHT DRAIN LINE
GALV	GALVANIZED	TEL	TONGUE & GROOVE
GFCI	GROUND FAULT CIRCUIT INTERRUPTER	TRG	TELEPHONE
		TV	TELEVISION
GFI	GALVANIZED SHEET METAL	H	HASHER
GMB	Gypsum WALL BOARD	W	W/TH
GYP	Gypsum		

NEIGHBORHOOD SIGNATURES OF APPROVAL							
I HAVE REVIEWED THE PLANS FOR 1672 LINCOLN ST. FOR A SECOND STORY ADDITION, THE REMOVAL OF THE EXISTING GARAGE AND ADDITION OF AN ACCESSORY BUILDING IN THE REAR YARD.							
NAME	SIGNATURE	MAILING ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (PLEASE STATE BRIEFLY)	HAVE NO COMMENT
1		1651 LINCOLN ST BERKELEY, CA 94703					
2		1635 LINCOLN ST BERKELEY, CA 94703					
3		1639 LINCOLN ST BERKELEY, CA 94703					
4		1668 LINCOLN ST BERKELEY, CA 94703					
5		1676 LINCOLN ST BERKELEY, CA 94703					
6		1636 MC GEE AVE. BERKELEY, CA 94703					
7		1643 VIRGINIA ST. BERKELEY, CA 94703					
8		1641 VIRGINIA ST. BERKELEY, CA 94703					
9		1639 VIRGINIA ST. BERKELEY, CA 94703					

APPLICABLE BUILDING CODES	
2010 CALIFORNIA BUILDING CODE	
2010 CALIFORNIA RESIDENTIAL CODE	
2010 CALIFORNIA PLUMBING CODE	
2010 CALIFORNIA MECHANICAL CODE	
2010 CALIFORNIA ELECTRICAL CODE	
2010 CALIFORNIA ENERGY CODE	
CURRENT EDITION OF THE BERKELEY MUNICIPAL CODE	

RECEIVED  
FEB 02 2013  
LAND USE PLANNING

DUPLICATED



1 PROPOSED SITE PLAN  
PROJECT NORTH  
1/8" = 1'-0"

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

REVISIONS	
NO	DESCRIPTION

1496C SOLANO AVENUE  
ALBANY, CALIFORNIA 94706  
TEL: 510.526.2720  
FAX: 510.524.7036  
info@sognodesigngroup.com  
www.sognodesigngroup.com

Sogno

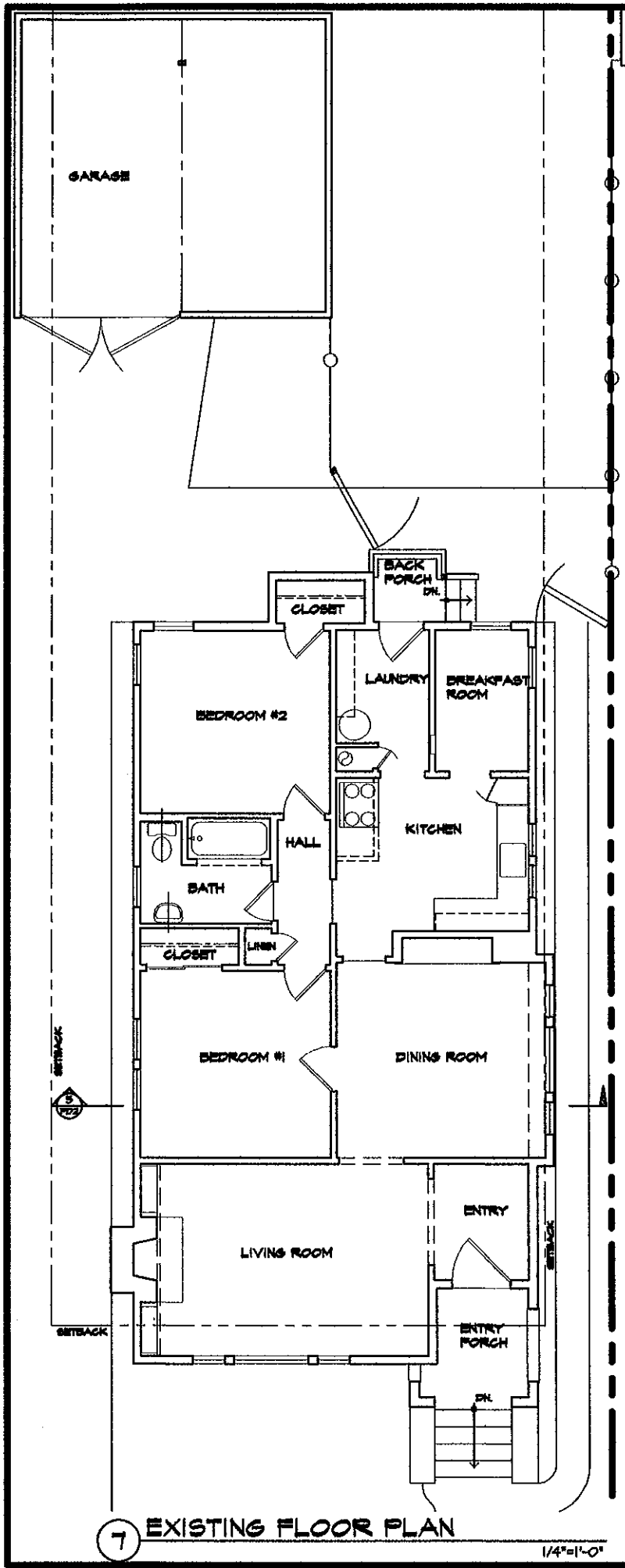
AUP

REMODEL / ADDITION  
MATTHEW & ANNA HOLLANDER  
1672 LINCOLN STREET  
BERKELEY, CA 94703

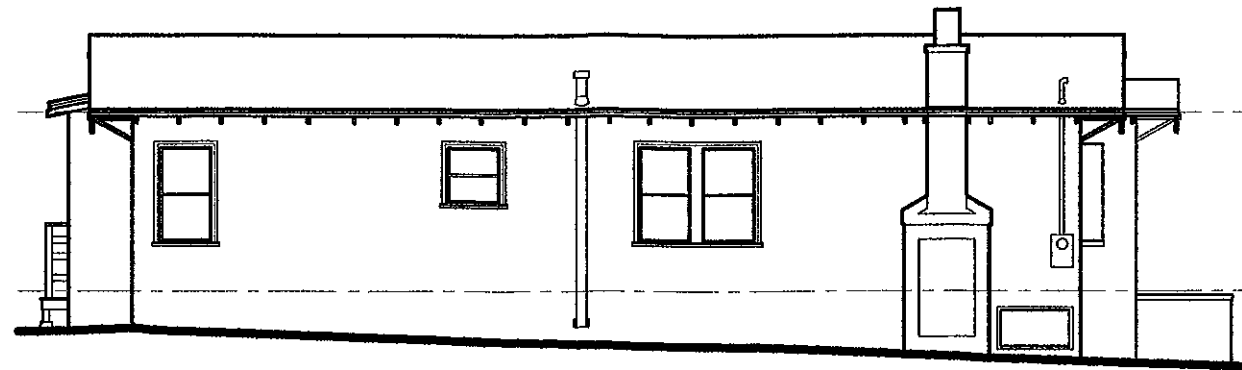
PROJECT DATA,  
SITE PLAN,  
LEGENDS,  
SIGNATURES,  
SCOPE OF WORK,  
VICINITY MAP,  
DRAWING INDEX

Date: 1/10/2013  
Scale: AS NOTED  
Drawn By: KH & JLC  
Job:  
Sheet:  
AO

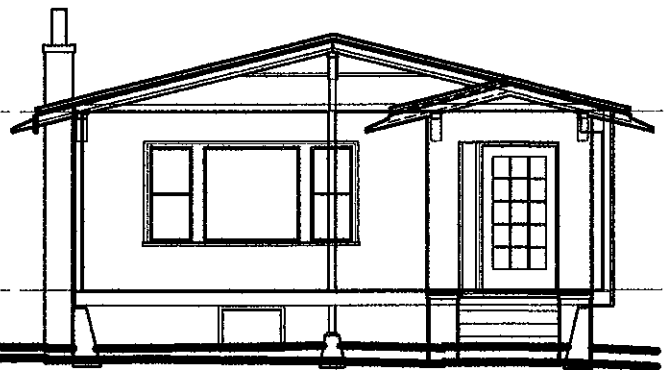




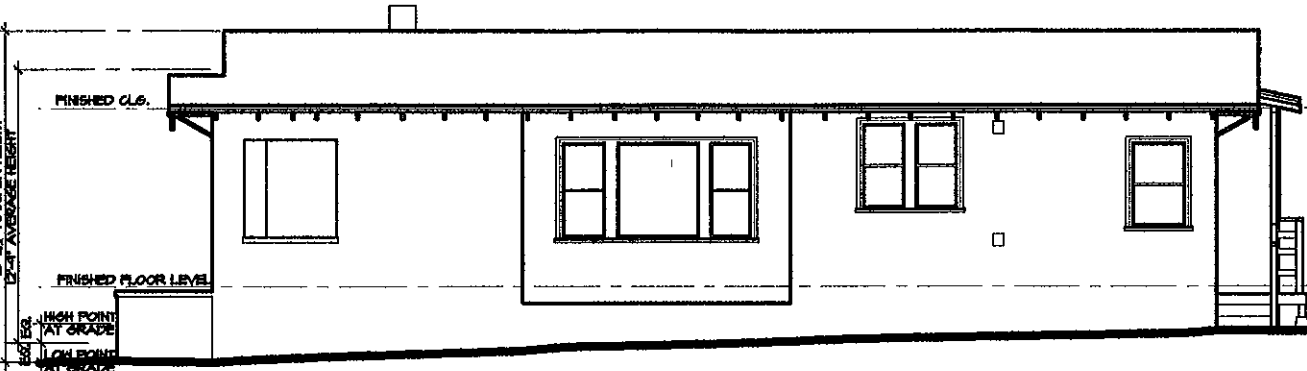
7 EXISTING FLOOR PLAN 1/4"=1'-0"



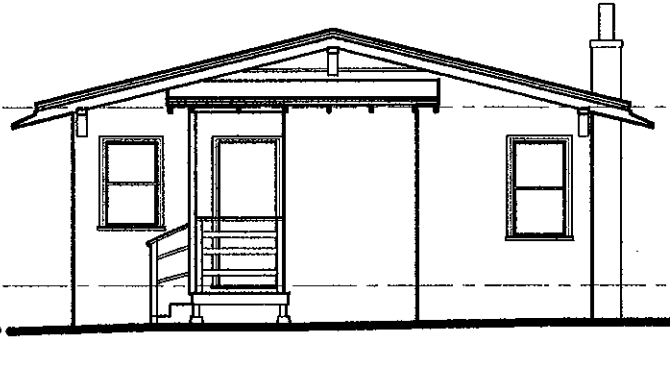
2 EXISTING EAST ELEVATION 1/4"=1'-0"



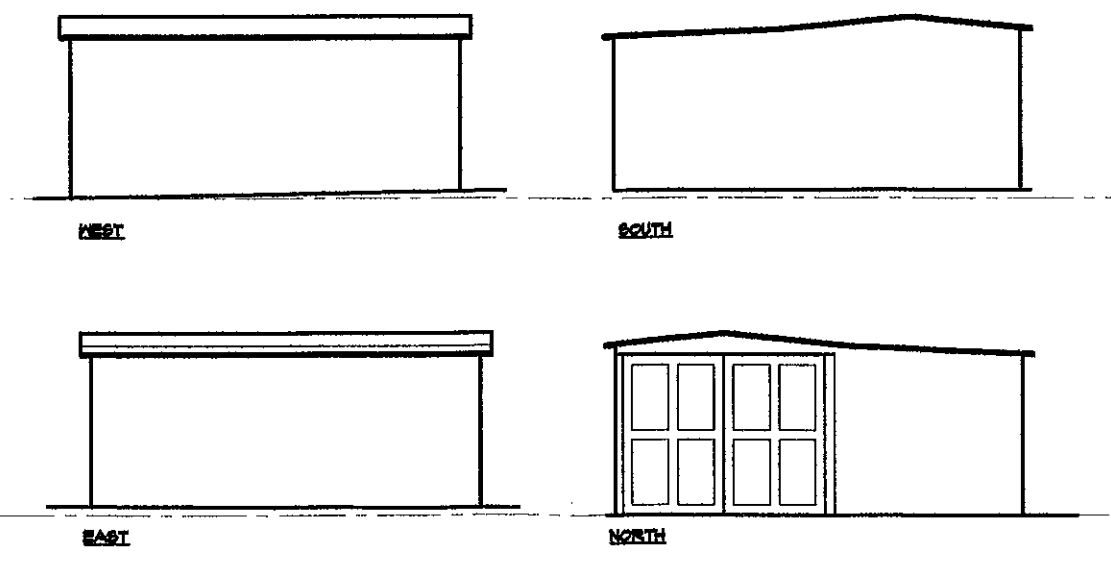
1 EXISTING NORTH ELEVATION 1/4"=1'-0"



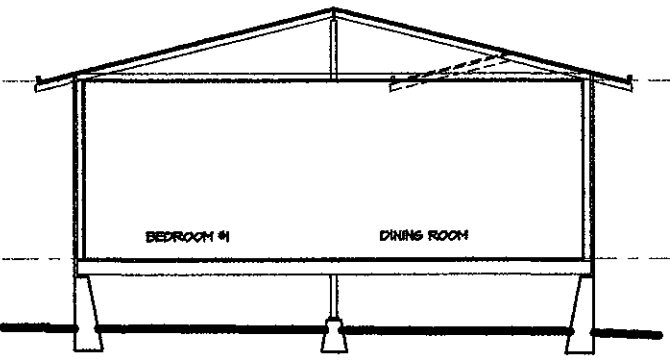
4 EXISTING WEST ELEVATION 1/4"=1'-0"



3 EXISTING SOUTH ELEVATION 1/4"=1'-0"



6 EXISTING GARAGE ELEVATIONS 1/4"=1'-0"



5 EXISTING SECTION LOOKING SOUTH 1/4"=1'-0"

APPROVED PLAN  
 PLANNING DATE 3/20/13  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

REVISIONS	
NO	DATE

1496C SOLANO AVENUE  
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 FAX: 510.524.7036  
 info@sogndesigngroup.com  
 www.sogndesigngroup.com

**SOGNO**  
 DESIGN GROUP ARCHITECTURE INTERIORS

AUP

**REMODEL / ADDITION**  
 MATTHEW & ANNA HOLLANDER  
 1672 LINCOLN STREET  
 BERKELEY, CA 94703

AS-BUILT  
 SITE PLANS,  
 FLOOR PLANS &  
 EXTERIOR  
 ELEVATIONS

Date 1/10/2013  
 Scale AS NOTED  
 Drawn By RH & JLC  
 Job

Sheet **A1**

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

REVISIONS		
NO.	DESCRIPTION	DATE

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**Sogno**  
 DESIGN GROUP ARCHITECTURE | INTERIORS

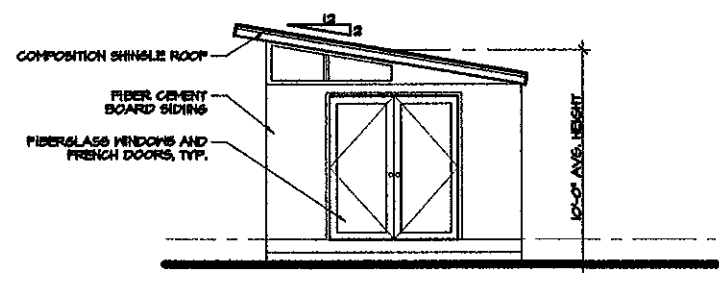
AUP

**REMODEL / ADDITION**  
 MATTHEW & ANNA HOLLANDER  
 1672 LINCOLN STREET  
 BERKELEY, CA 94703

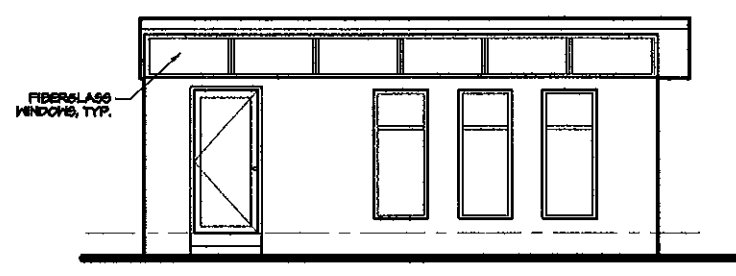
PROPOSED  
 FLOOR PLANS,  
 ACCESSORY BLDG.  
 FLOOR PLAN AND  
 ELEVATIONS

Date: 1/10/2013  
 Scale: AS NOTED  
 Drawn By: KH & JLC  
 Job:   
 Sheet:   
 Project NORTH

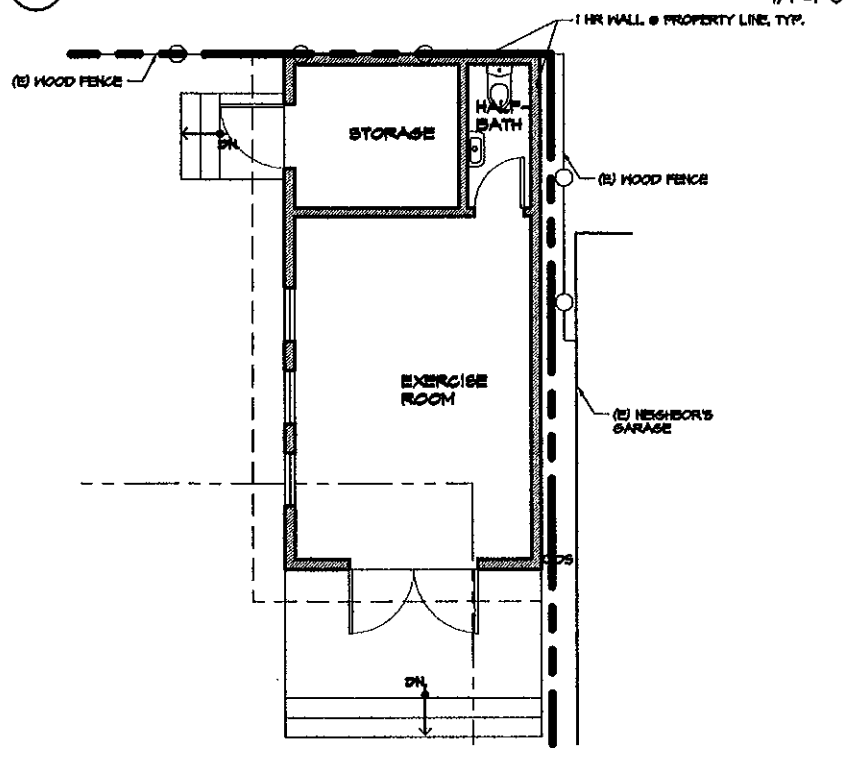
**A2**



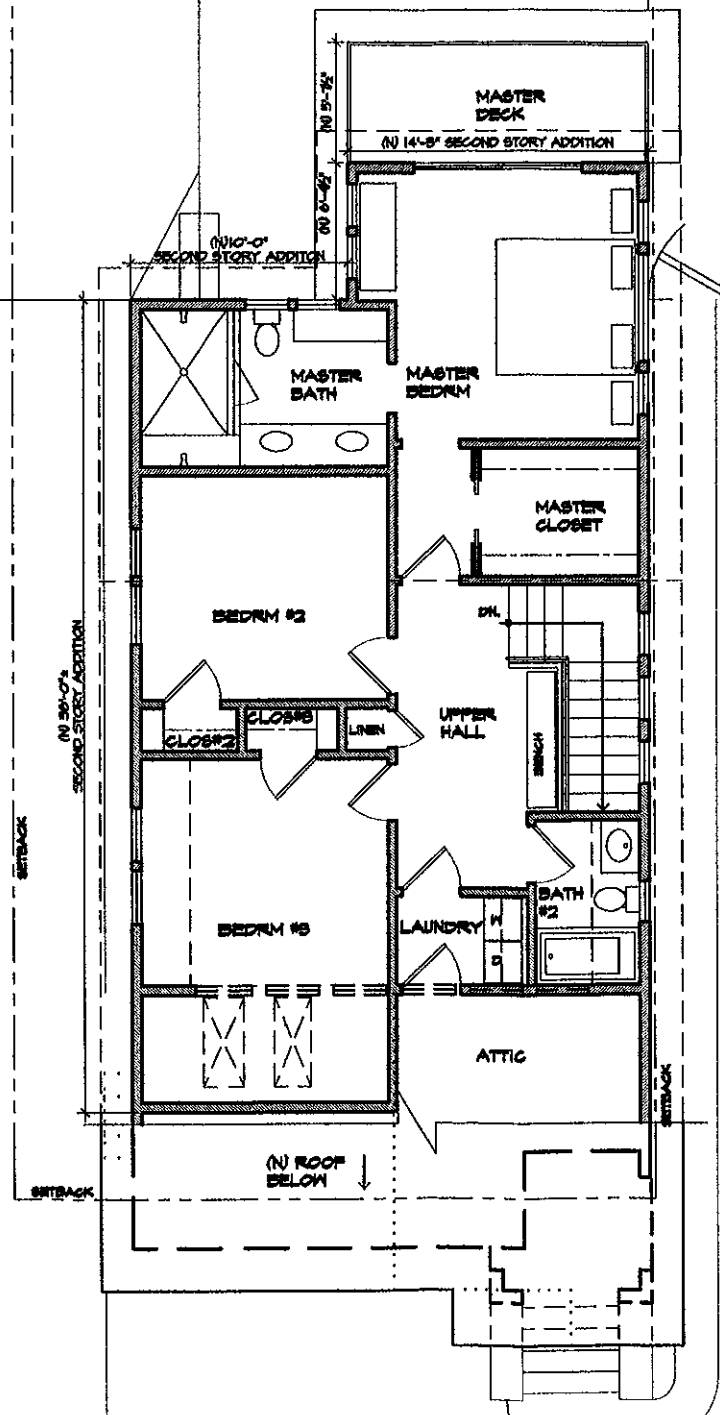
5 PROPOSED ACCESSORY BLDG. NORTH ELEV. 1/4"=1'-0"



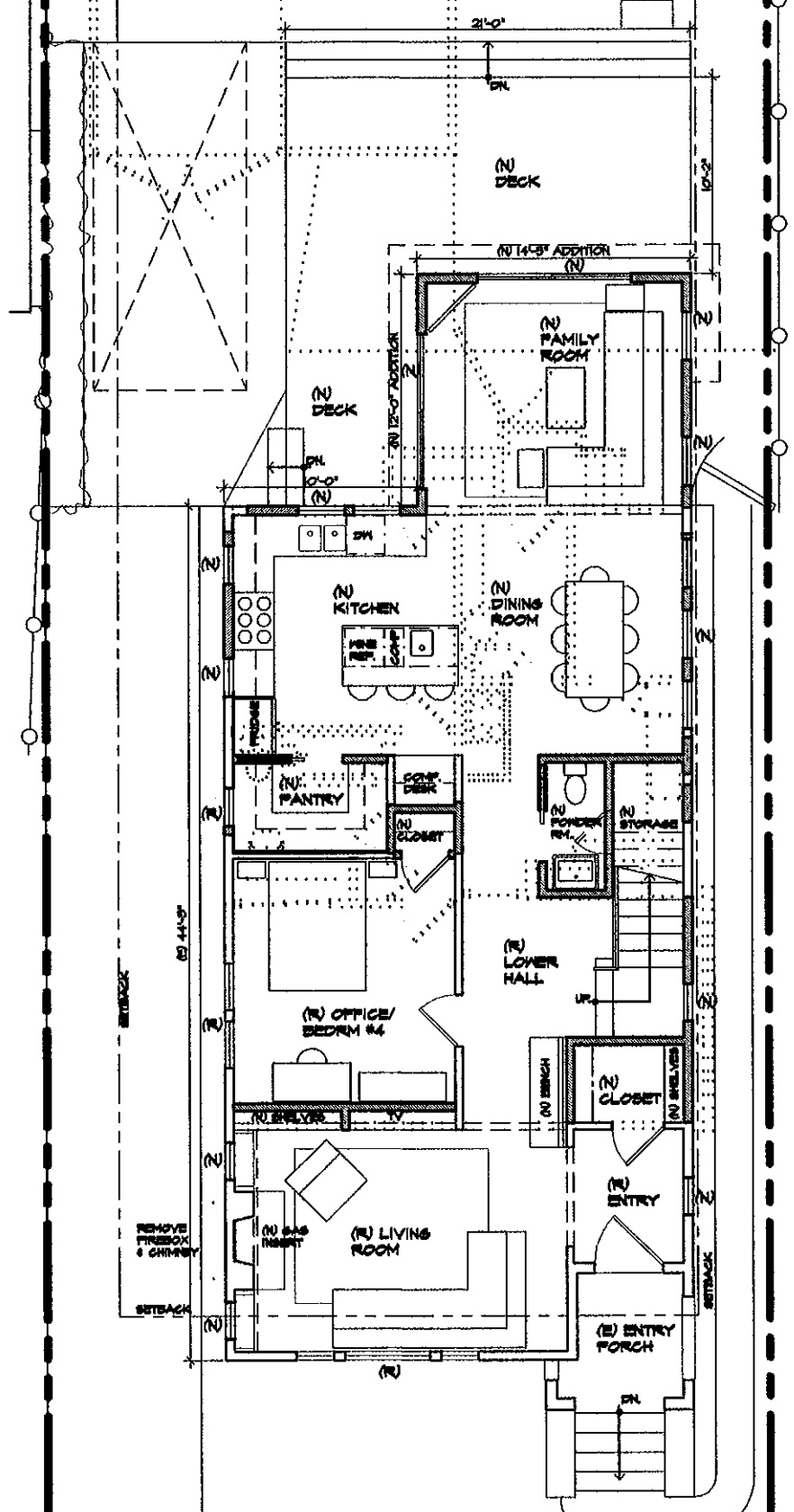
4 PROPOSED ACCESSORY BLDG. EAST ELEV. 1/4"=1'-0"



3 PROPOSED ACCESSORY BLDG. FLOOR PLAN 1/4"=1'-0"



2 PROPOSED UPPER LEVEL FLOOR PLAN 1/4"=1'-0"



1 PROPOSED MAIN LEVEL FLOOR PLAN 1/4"=1'-0"

REVISIONS		
NO.	DESCRIPTION	DATE

APPROVED PLAN *Wash* 3/20/13  
 PLANNING DATE  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

1496C SOLANO AVENUE  
 ALBANY, CALIFORNIA 94706  
 TEL: 510.524.2720  
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 info@sognodesigngroup.com  
 www.sognodesigngroup.com

Sogno

DESIGN GROUP ARCHITECTURE | INTERIORS

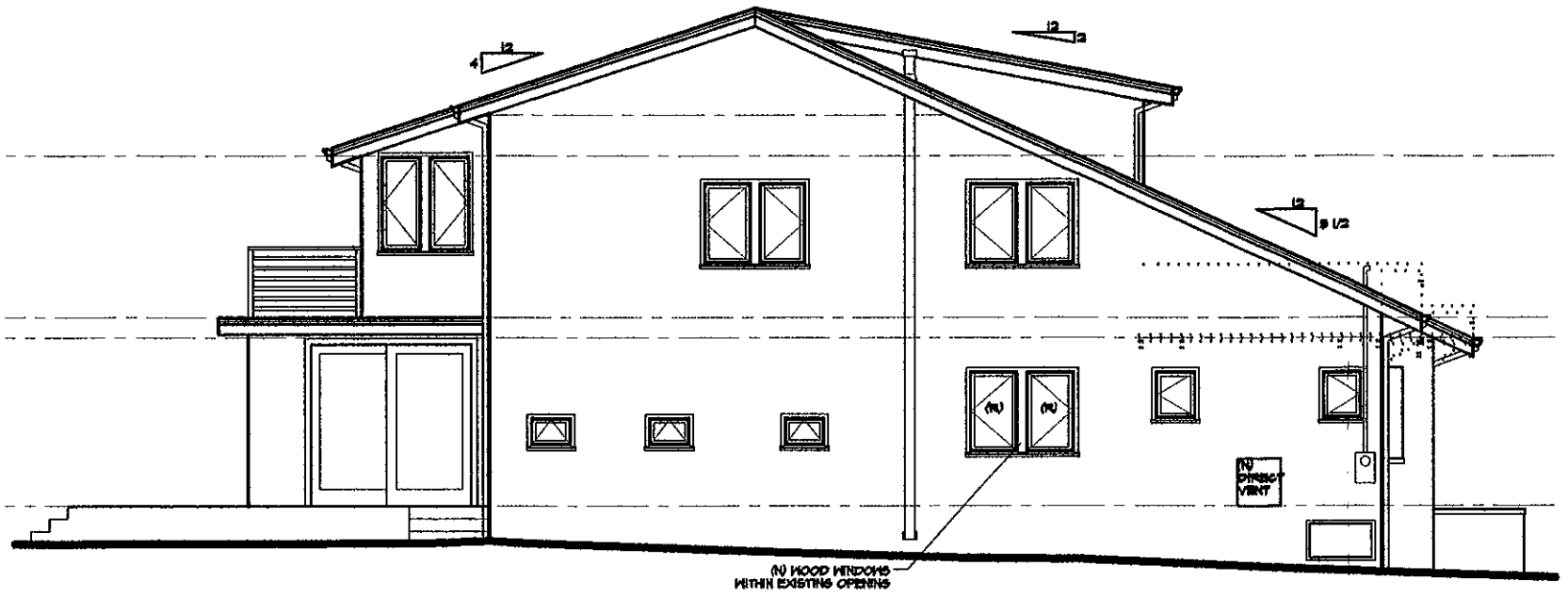
AUP

REMODEL / ADDITION  
 MATTHEW & ANNA HOLLANDER  
 1672 LINCOLN STREET  
 BERKELEY, CA 94708

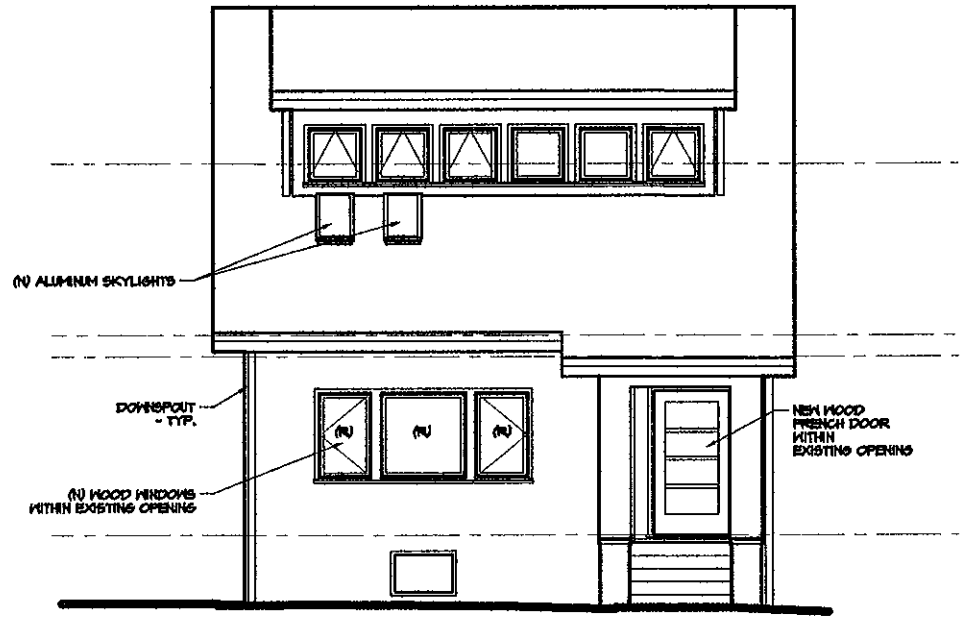
PROPOSED EXTERIOR ELEVATIONS

Date 1/10/2013  
 Scale AS NOTED  
 Drawn By KH & JLC  
 Job

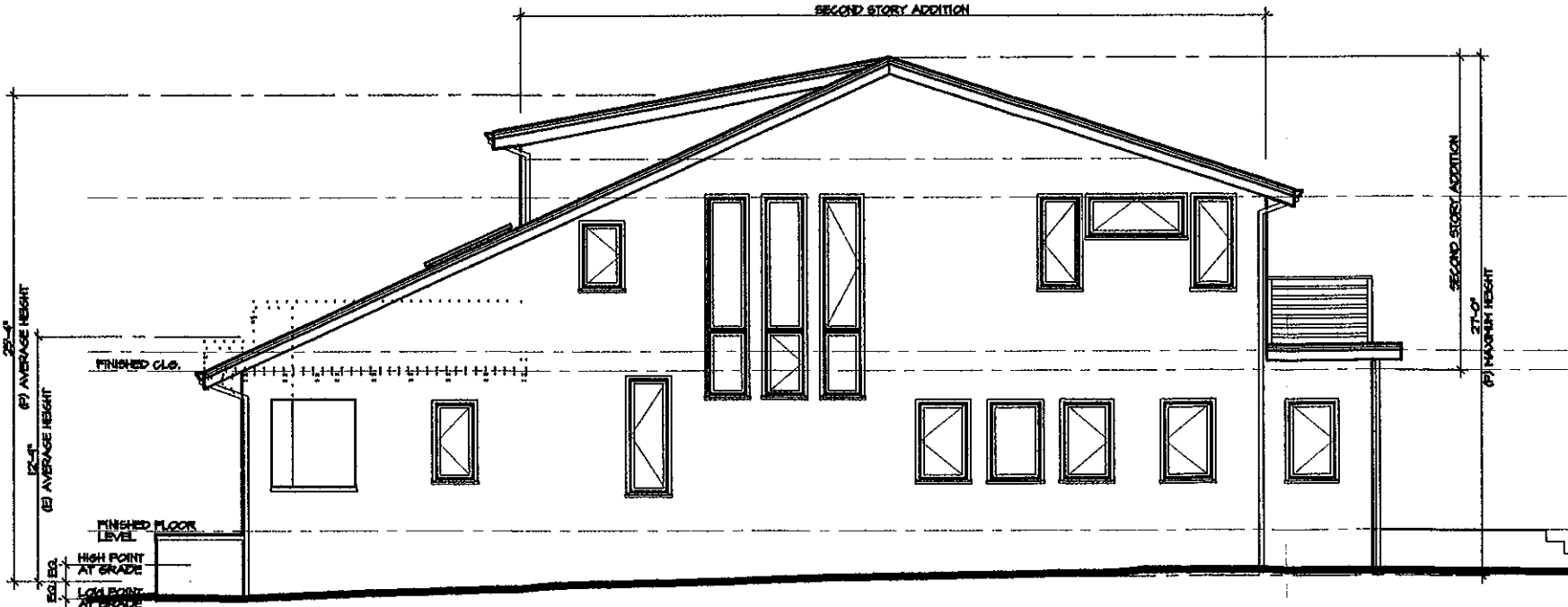
Sheet AB



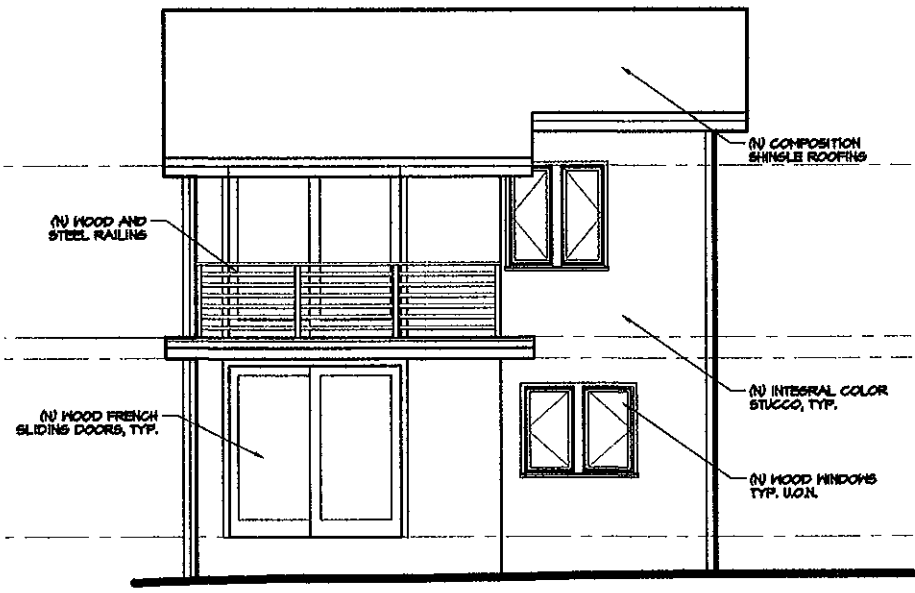
2 PROPOSED EAST ELEVATION  
 1/4"=1'-0"



1 PROPOSED NORTH ELEVATION  
 1/4"=1'-0"



4 PROPOSED WEST ELEVATION  
 1/4"=1'-0"



3 PROPOSED SOUTH ELEVATION  
 1/4"=1'-0"