

Planning and Development Department  
Land Use Planning

# U S E P E R M I T

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CITY OF BERKELEY ZONING ORDINANCE  
Berkeley Municipal Code Title 23

## USE PERMIT MODIFICATION # 12-7000013

Property Address: **843 ADDISON STREET**

Permittee Name: **KARL GOLDEN ARCHITECTS, INC.**

Use and/or Construction Permitted:  
to Modify Use Permit #99-10000110 to change the use of a two unit duplex to office use for Black Pine Circle School.

- Use Permit, under BMC Section 23B.56.020 to modify an existing Use Permit
- Use Permit, under BMC Section 23C.08 to eliminate two dwelling units

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the Zoning Adjustments Board and is in effect on May 1, 2013.

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

APRIL 11, 2013

### **843 Addison Street**

#### **Use Permit Modification #12-7000013 to Modify Use Permit #99-10000110 to change the use of a two unit duplex to office use for Black Pine Circle School.**

#### CEQA FINDINGS

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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.

#### GENERAL NON-DETRIMENT FINDING

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2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed project, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City, for the following reasons:
  - A. The proposed office space will allow Black Pine Circle School to remove portable buildings at their main campus at 2027 Seventh Street which will expand the outdoor space for the school;
  - B. Black Pine Circle School proposes to utilize the property at 843 Addison for office staff and to create a garden for staff and students and for special gatherings for the school and community;
  - C. The proposed improvements will repair a neglected structure which will benefit the surrounding residential and service oriented uses;
  - D. Day to day use will be primarily office staff and occasionally students working in the garden during the school day (8:30AM to 3:00PM). The yard will not be used in the evenings or on weekends; and

- E. The Modification does not include an increase in faculty or staff, there is no direct contact with clients, visitors, or the general public, which will necessitate new off-street parking, therefore the existing parking conditions established with Use Permit #99-10000110 are found satisfactory.

### OTHER REQUIRED FINDINGS

- 3. Pursuant to Berkeley Municipal Code Section 23C.08.010, and Section 23C.08.030.A, the Zoning Adjustments Board finds that the elimination of the two dwelling units would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City because:
  - A. The elimination of two dwelling units and the conversion to office space for Black Pine Circle School will not result in a reduction of housing supply essential to the well-being or housing needs of the City or persons residing in the neighborhood in the vicinity of the building because approximately 746 new housing units have been established in the area of the subject property within the last ten years; and
  - B. The existing dwelling units are unoccupied, therefore there are no tenants to be relocated and the existing units are situated in an environment unsuitable for residential occupancy because the structure and the units are in disrepair and should not be inhabited without major renovations. The applicant, Black Pine Circle School submitted inspection reports that detail the disrepair to include, but not be limited to: the rear deck and stairs are a potential health/safety hazard, the drain line in Unit 841 had been removed, the condition of the floor of the kitchen in Unit 841 has created a tripping hazard, the furnace in Unit 841 is not in service, the only heating source in Unit 843 was a gas fireplace which may not be adequate to heat the unit; the kitchen range is not properly bracketed and may become dislodged and cause serious injury, the structure's framing does not have draft stopping to retard the spread of fire and may be weak seismically, the condition of the driveway has created a potential tripping hazard, rear guardrails are hazardous to small children, the chimney is a potential fire and earthquake hazard, and significant seismic repairs are necessary.

## STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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### **1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. The second sheet may also be used if the first 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 approved is permitted unless the Permit is modified by the Zoning Adjustments Board, in conformance with Section 23B.56.020.A.

Changes in the plans for the construction of a building or structure may be modified prior to the completion of construction, in accordance with Section 23B.56.020.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project. The Zoning Officer may also approve a maximum two-foot variation to Board approved plans, provided that such variation does not increase a structure's height, reduce the minimum distance to any property line, and/or conflict with any special objective sought by the Board.

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

Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations submitted by the applicant during the Staff review and public hearing process leading to the approval of this Permit, whether oral or written, which indicated the proposed structure or manner of operation are deemed conditions of approval.

**6. Subject to all City and Other Regulations (Section 23B.56.040)**

The approved use and/or construction are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.

**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. 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 OF APPROVAL**

Pursuant to BMC Section 23B.32.040.D, the Zoning Adjustments Board attaches the following conditions to this Permit:

**Prior to Issuance of Any Building Permit**

10. Prior to issuance of a building permit, 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 this record to the project planner upon request.

Noise Management Individual \_\_\_\_\_  
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.

12. Project requires approval of a Final Design Review application by the Design Review Planner.

**During Construction:**

13. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season (between October 15 and April 15), the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and

any other measures required by the Building and Safety Division and the Public Works Department.

14. 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.
15. 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.
16. 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.
17. 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 thick and secured to the ground.
18. 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.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
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.

**Prior to Final Inspection or Issuance of Occupancy Permit:**

22. The project shall conform to the plans and statements in the Use Permit.
23. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 17, 2012.

**At All Times:**

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

- 25.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- 26.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review Staff approval.
- 27.** The rear yard shall not be used for outdoor activities between the hours of 6:00 PM to 8:30 AM Monday through Friday and there shall be no outdoor activities on Weekends.



# 843 ADDISON STREET

## PROJECT DESCRIPTION

CHANGE OF USE FOR EXISTING TWO STORY DUPLEX (1908) FROM RESIDENTIAL TO OFFICES FOR THE BLACK PINE CIRCLE SCHOOL, LOCATED ON THE SAME BLOCK. BUILDING SCOPE OF WORK INCLUDES NEW SIDING, NEW GUTTERS AND DOWNSPOUTS, NEW WINDOWS, NEW ENTRY PORCH AND STEPS, PAINTING, AND MISCELLANEOUS INTERIOR UPGRADES. SITE WORK INCLUDES NEW LANDSCAPING, NEW HARDSCAPING AND NEW FENCING.

## PROJECT DATA

OWNER : BLACK PINE CIRCLE SCHOOL 510-845-0876  
CONTACT : JOHN CARLSTROEM, DIRECTOR  
ADDRESS : 843 ADDISON STREET, BERKELEY, CA 94710  
ACCESSOR'S PARCEL NUMBER : 056-1966-008  
ZONING DISTRICT : R4  
CONSTRUCTION TYPE : V  
OCCUPANCY : EXISTING - R (RESIDENTIAL), PROPOSED - B (OFFICE)

### AREAS:

EXISTING FIRST FLOOR = 1,337 SQ FT (HOUSE = 1,227 SF, ACCESSORY BLDG = 110SF)  
EXISTING SECOND FLOOR = 1,158 SQ FT  
EXISTING TOTAL = 2,495 SQ FT

PROPOSED FIRST FLOOR = 1,210 SQ FT  
PROPOSED SECOND FLOOR = 1,158 SQ FT  
PROPOSED TOTAL = 2,368 SQ FT

SITE AREA = 4,800 SQ FT

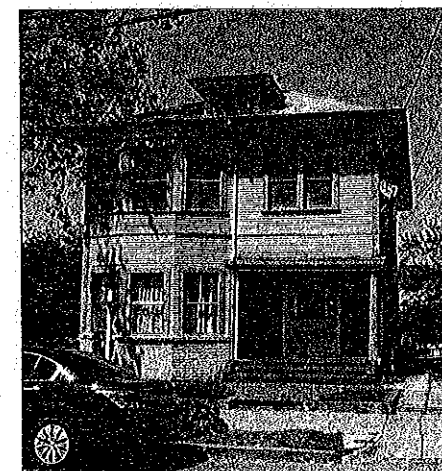
**PLANS APPROVED by  
ZONING ADJUSTMENTS BOARD**

*Judy Mont*

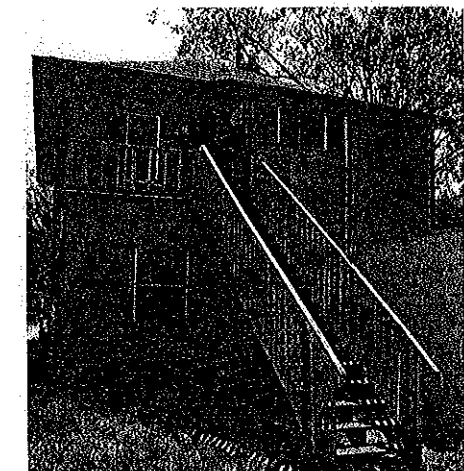
APRIL 11, 2013

## SHEET INDEX

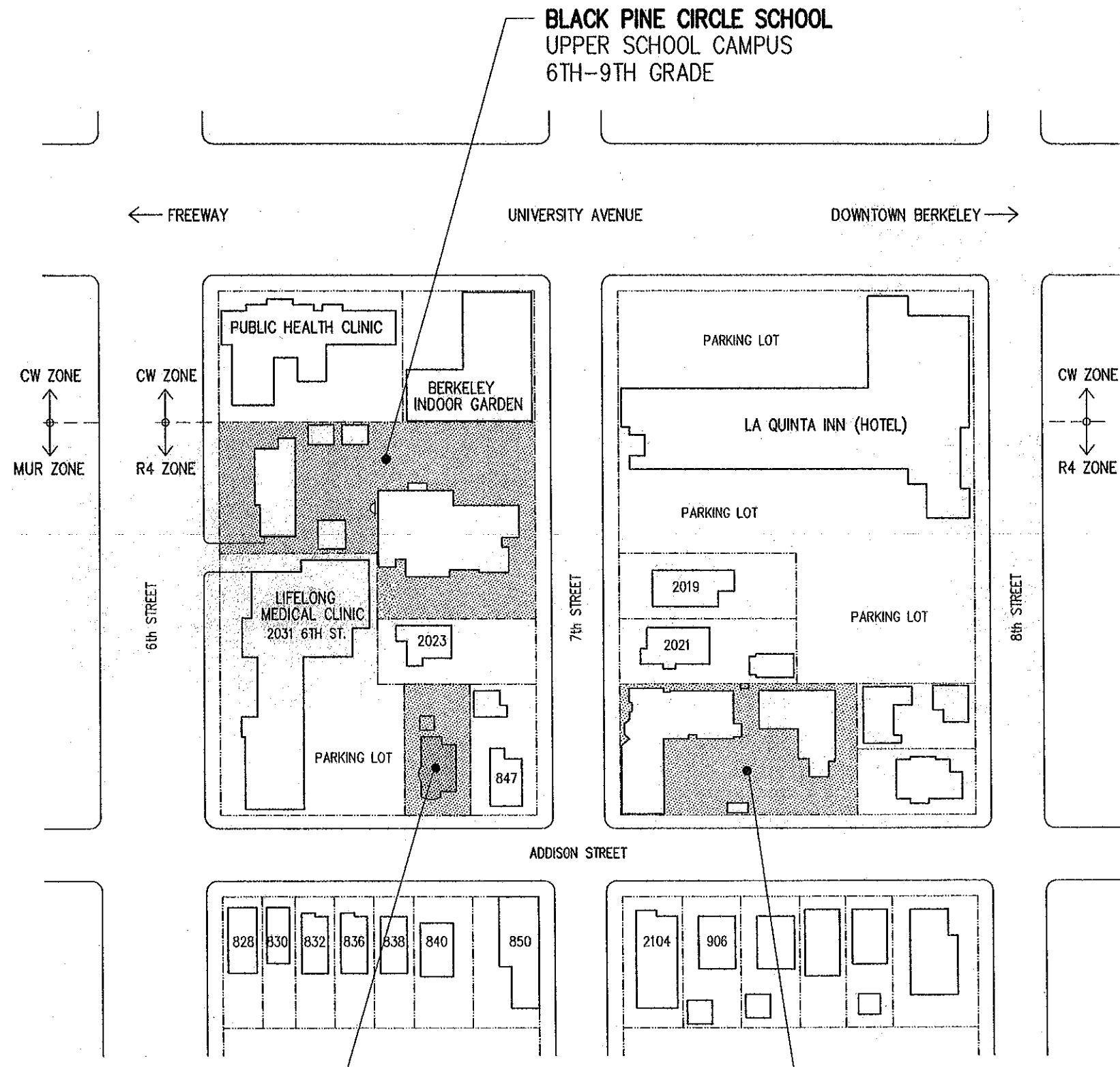
- 1 COVER
- 2 EXISTING FLOOR PLANS, SITE PLAN
- 3 EXISTING EXTERIOR ELEVATIONS
- 4 FLOOR PLANS, SITE PLAN
- 5 EXTERIOR ELEVATIONS



EXISTING FRONT



EXISTING REAR



BLACK PINE CIRCLE SCHOOL  
UPPER SCHOOL CAMPUS  
6TH-9TH GRADE

BLACK PINE CIRCLE SCHOOL  
LOWER SCHOOL CAMPUS  
K-5TH GRADE

PROJECT SITE  
843 ADDISON STREET

VICINITY MAP

RECEIVED  
OCT 17 2012  
LAND USE PLANNING

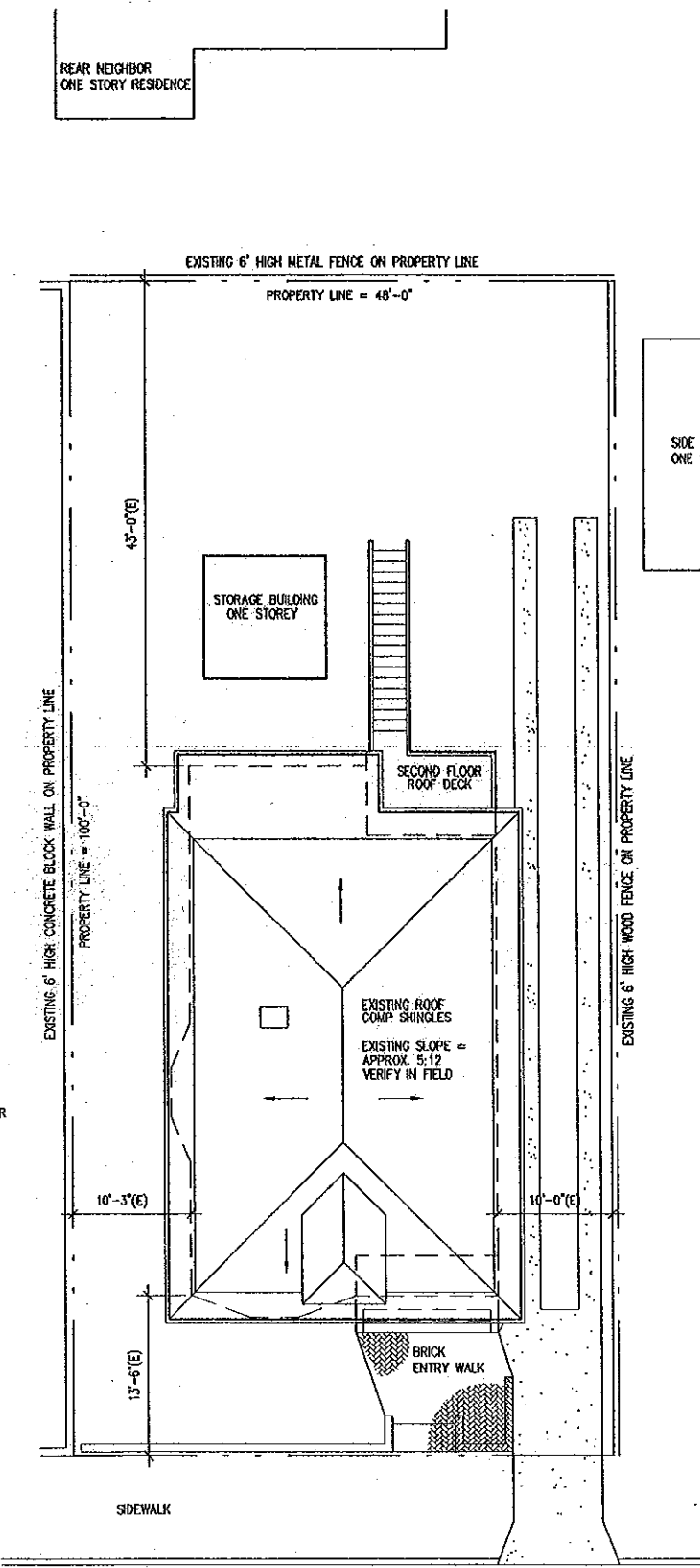
KARL GOLDEN ARCHITECTS, INC.  
2441 SPAULDING AVENUE, BERKELEY, CA 94703  
510.549.2418  
kgolden@pacbell.net

REMODEL  
843 ADDISON STREET  
Berkeley, CA 94710

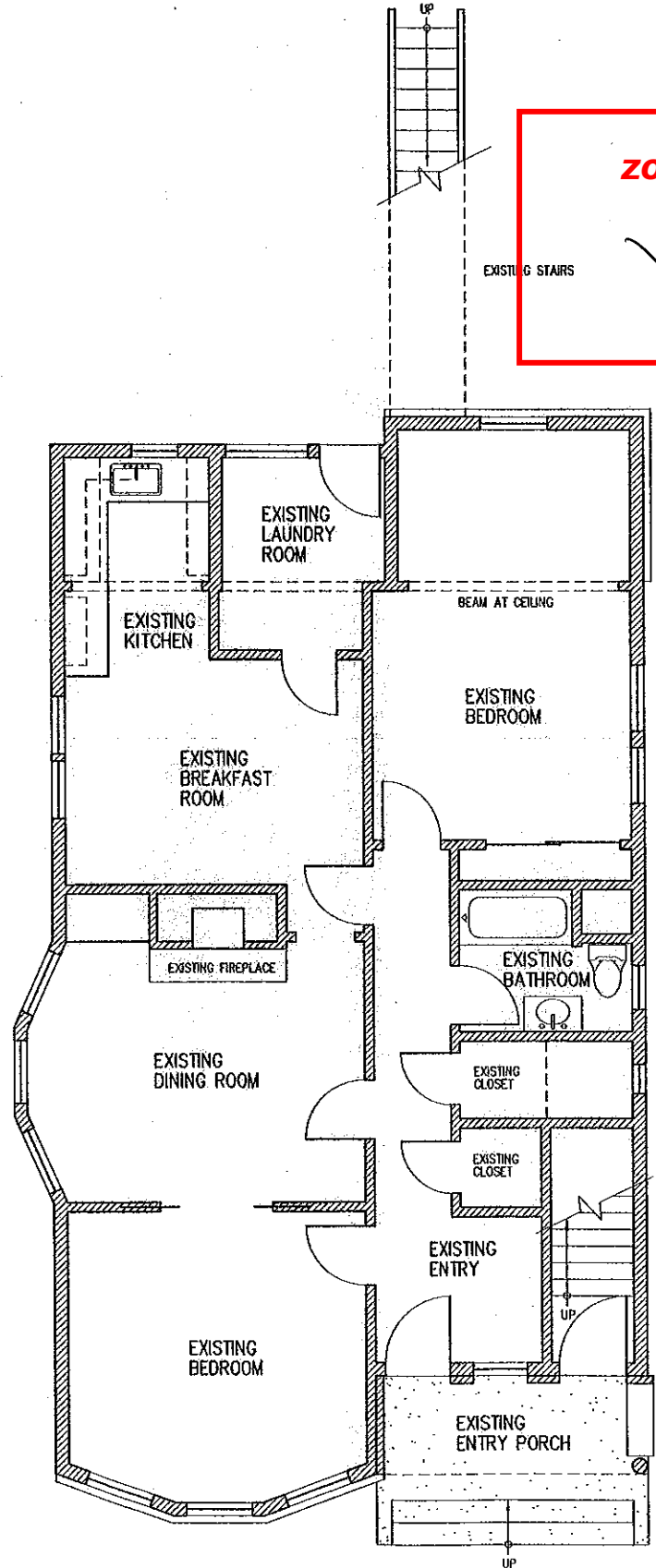
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Sheet: 1

**PLANS APPROVED by**  
**ZONING ADJUSTMENTS BOARD**

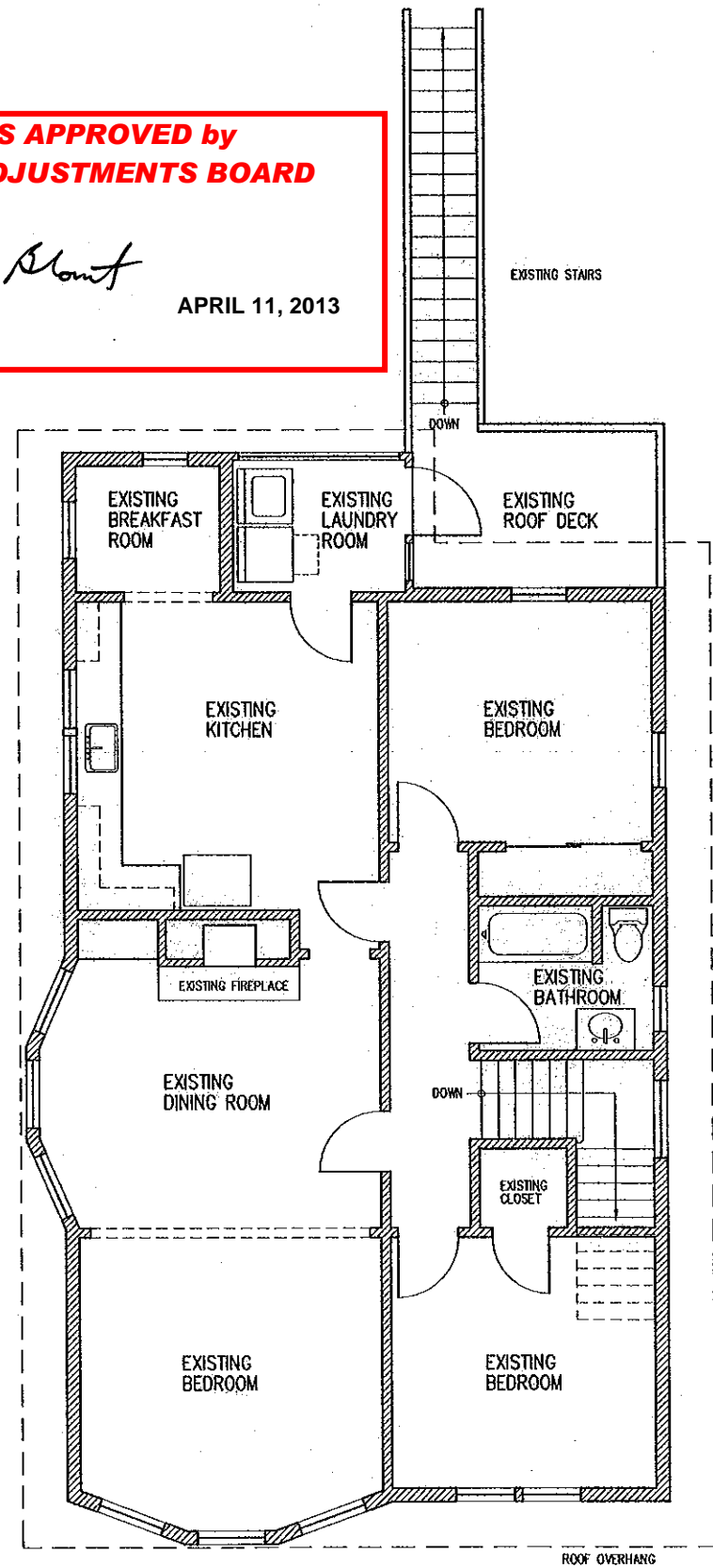
*Judy Stout*  
**APRIL 11, 2013**



**EXISTING SITE/ROOF PLAN**



**EXISTING FIRST FLOOR PLAN**



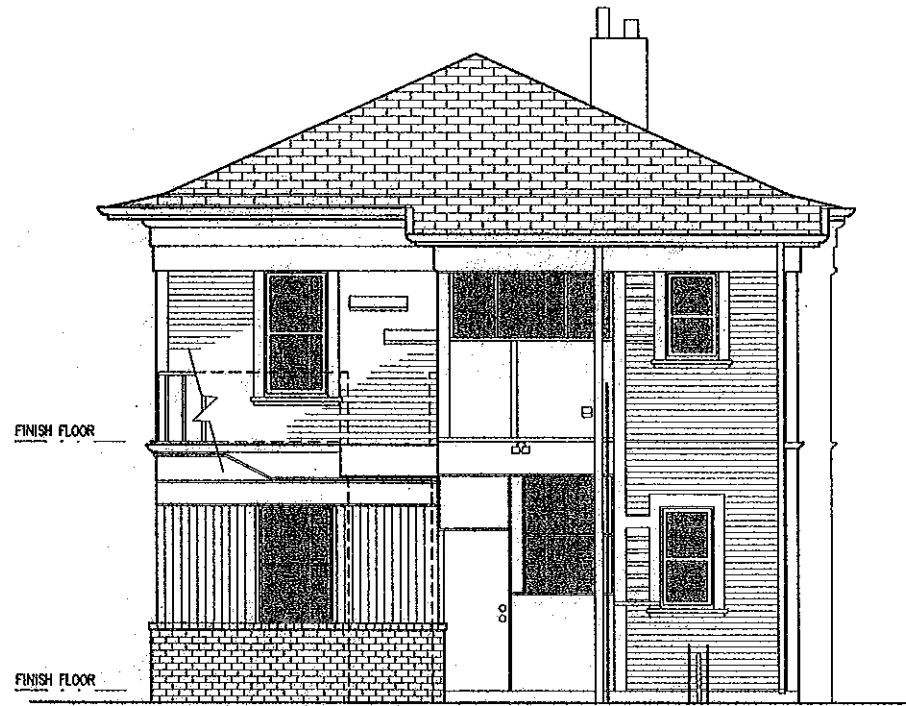
**EXISTING SECOND FLOOR PLAN**

**EXISTING CONDITIONS**

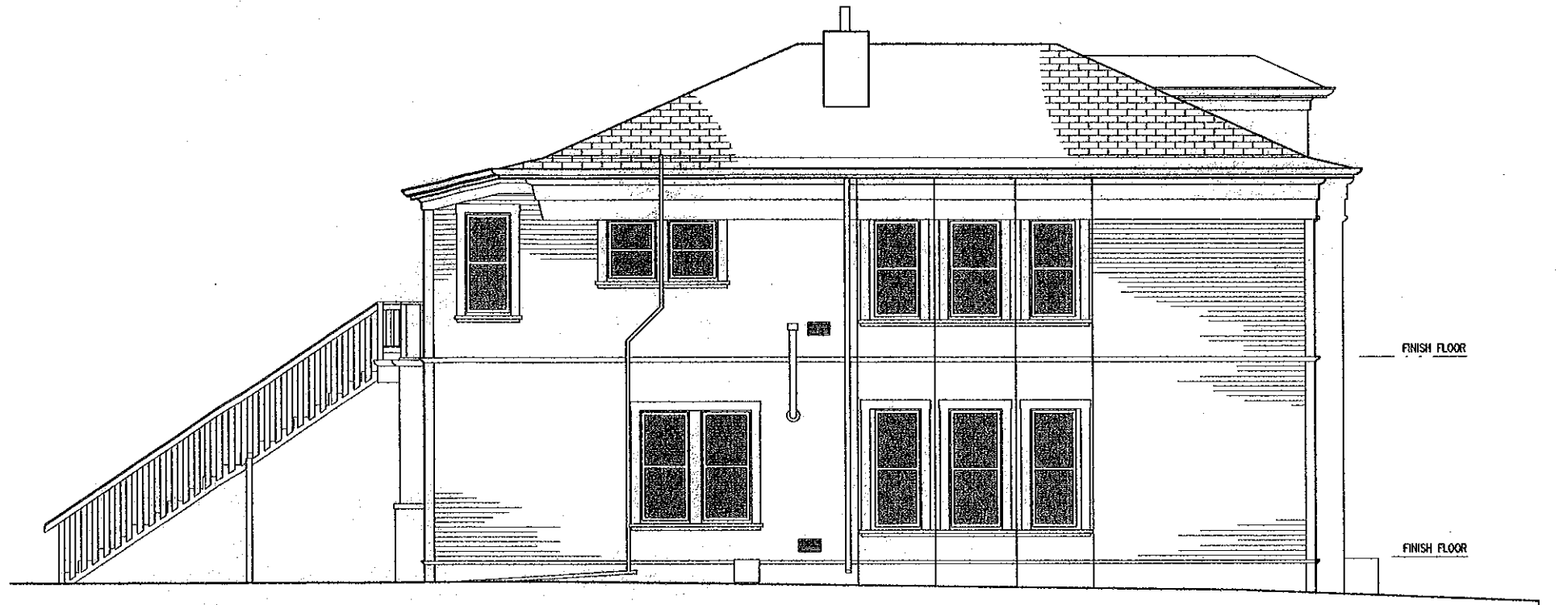
**KARL GOLDEN ARCHITECTS, INC.**  
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 kbgolden@pacbell.net  
 510.549.2418

**REMODEL**  
 843 ADDISON STREET  
 Berkeley, CA 94710

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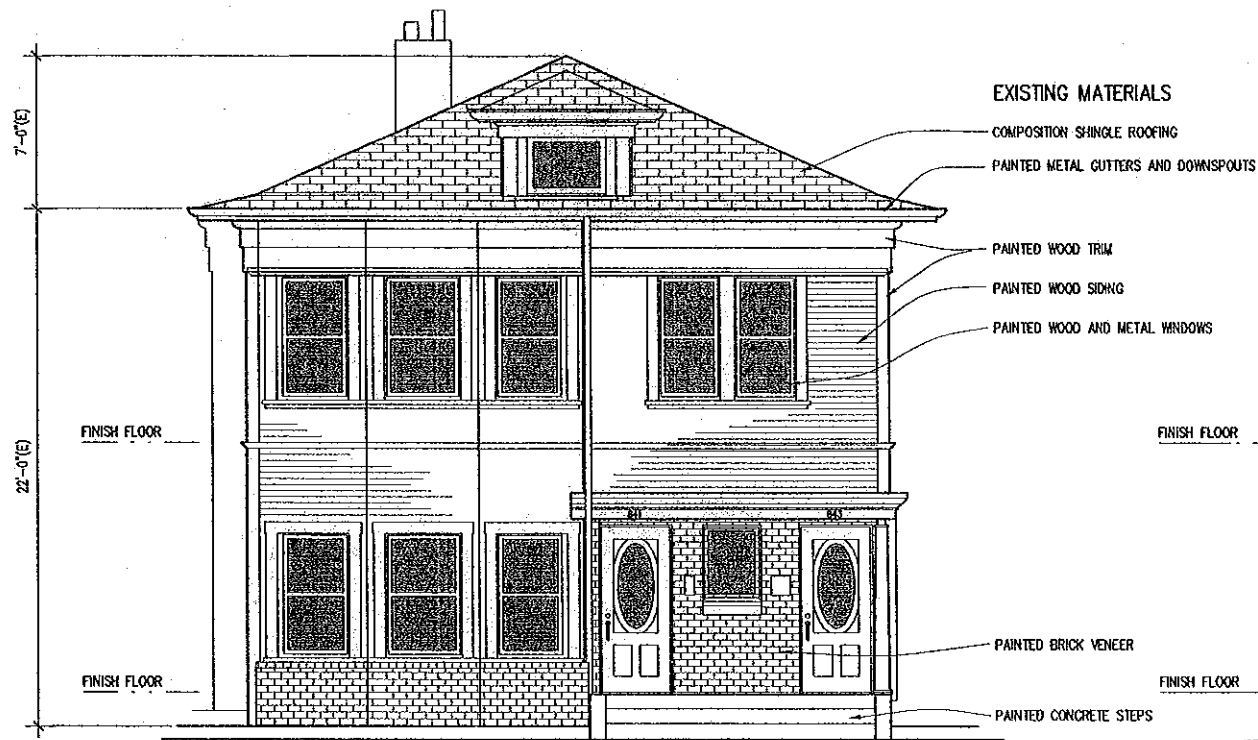


EXISTING  
 NORTH ELEVATION

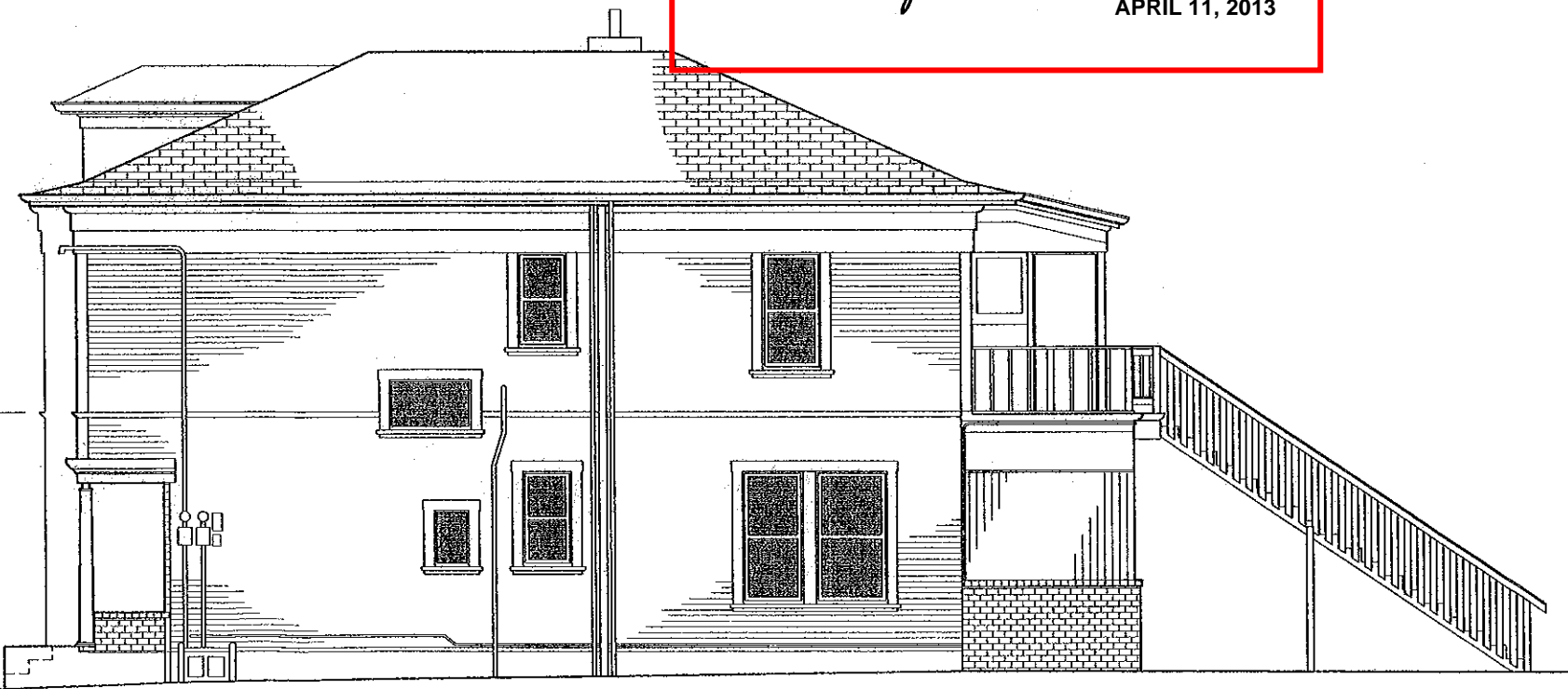


EXISTING **PLANS APPROVED** by  
 EAST ELEVATION  
**ZONING ADJUSTMENTS BOARD**

*Judy Stout*  
 APRIL 11, 2013



EXISTING  
 SOUTH ELEVATION  
 (FACING ADDISON ST)



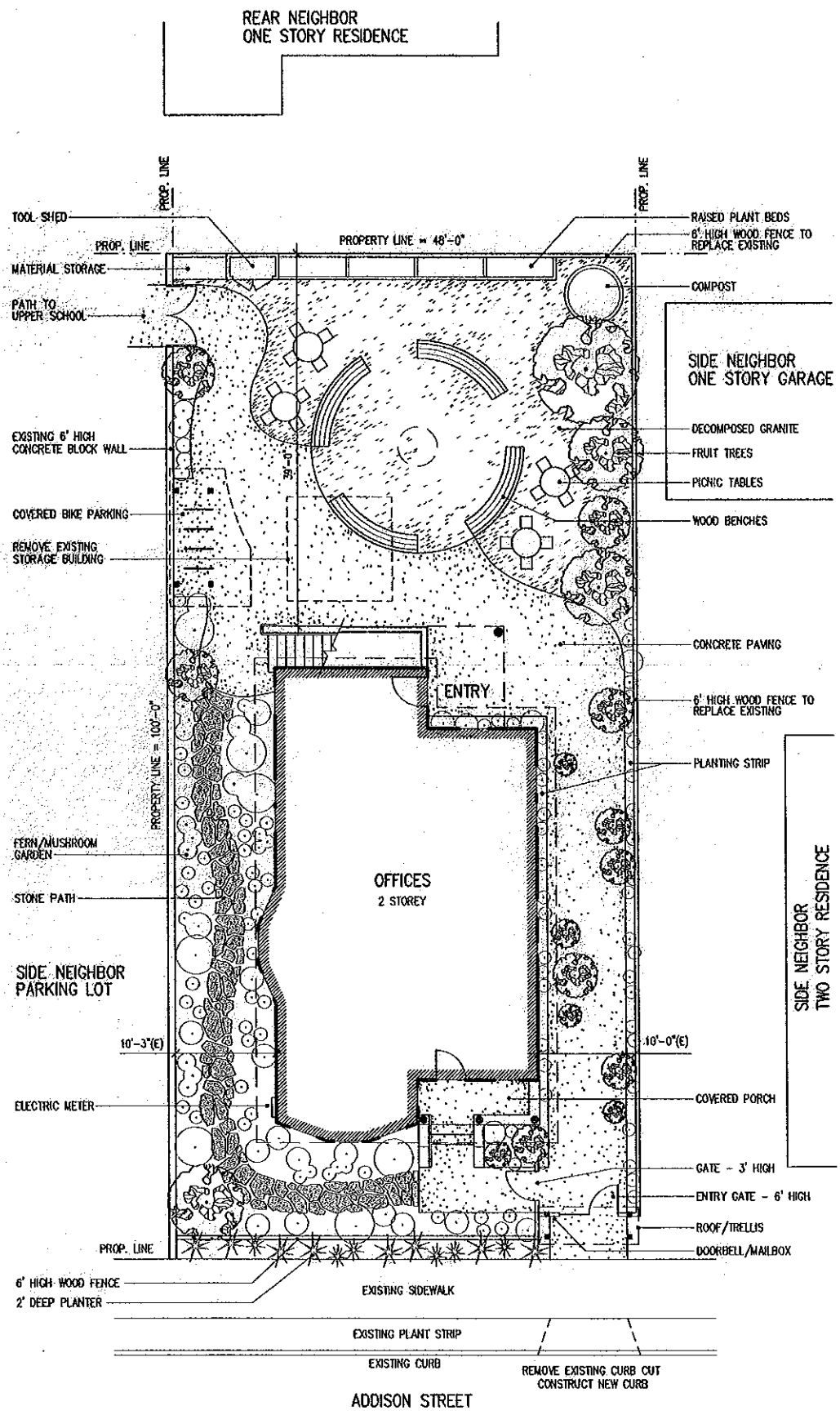
EXISTING  
 WEST ELEVATION

**EXISTING CONDITIONS**

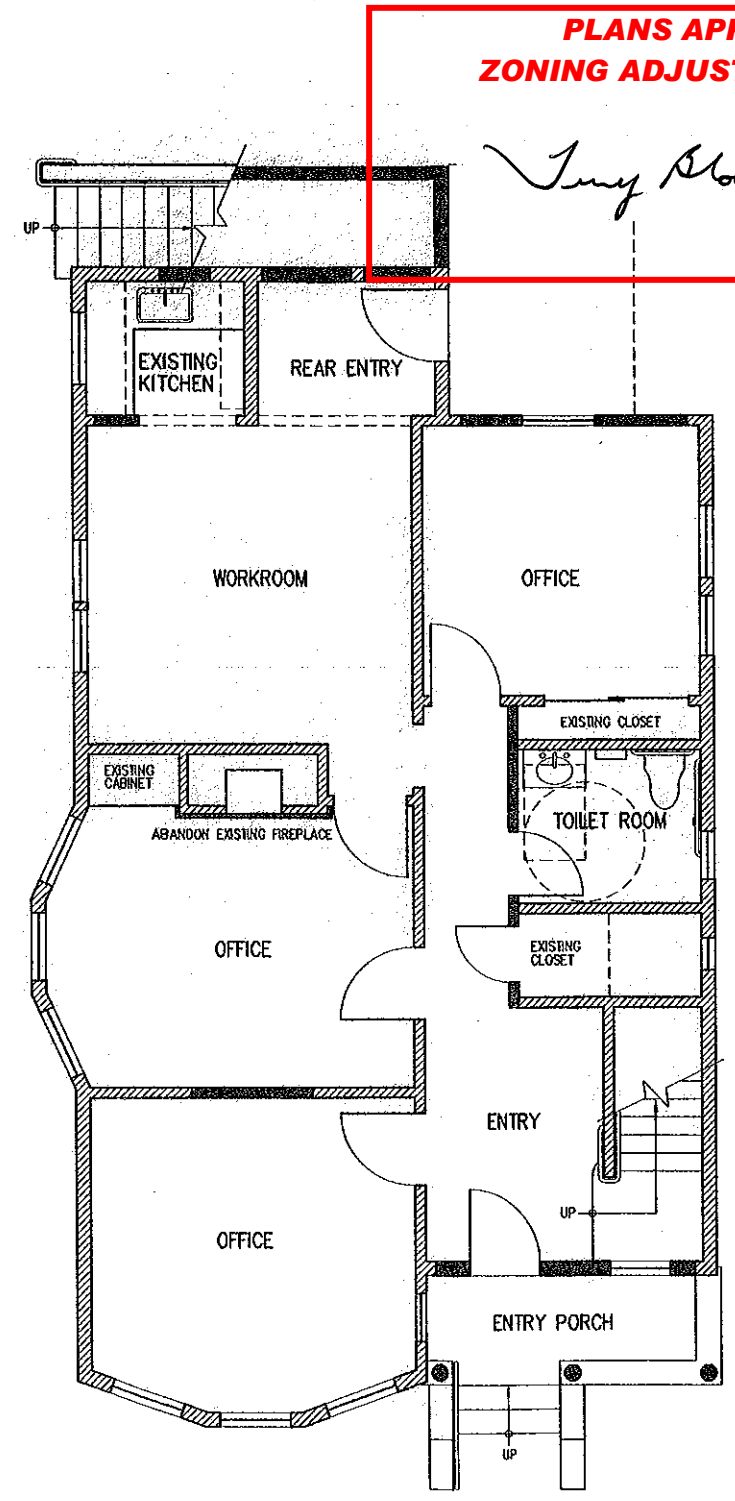
KARL GOLDEN ARCHITECTS, INC.  
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 510.549.2418  
 kbgolden@pacbell.net

REMODEL  
 843 ADDISON STREET  
 Berkeley, CA 94710

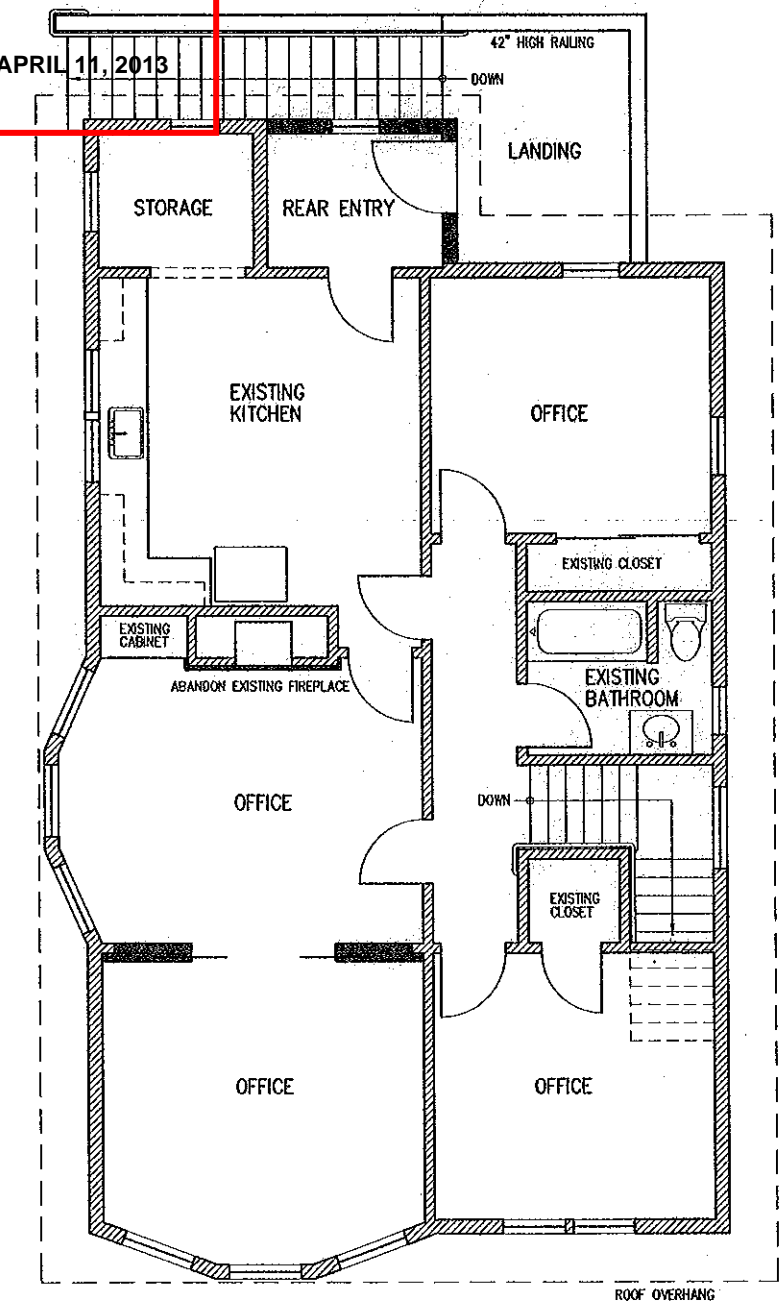
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**SITE PLAN** 0 10' 0



**FIRST FLOOR PLAN** 0 4' 0



**SECOND FLOOR PLAN** 0 4' 0

**PLANS APPROVED by ZONING ADJUSTMENTS BOARD**

*Judy Blount*

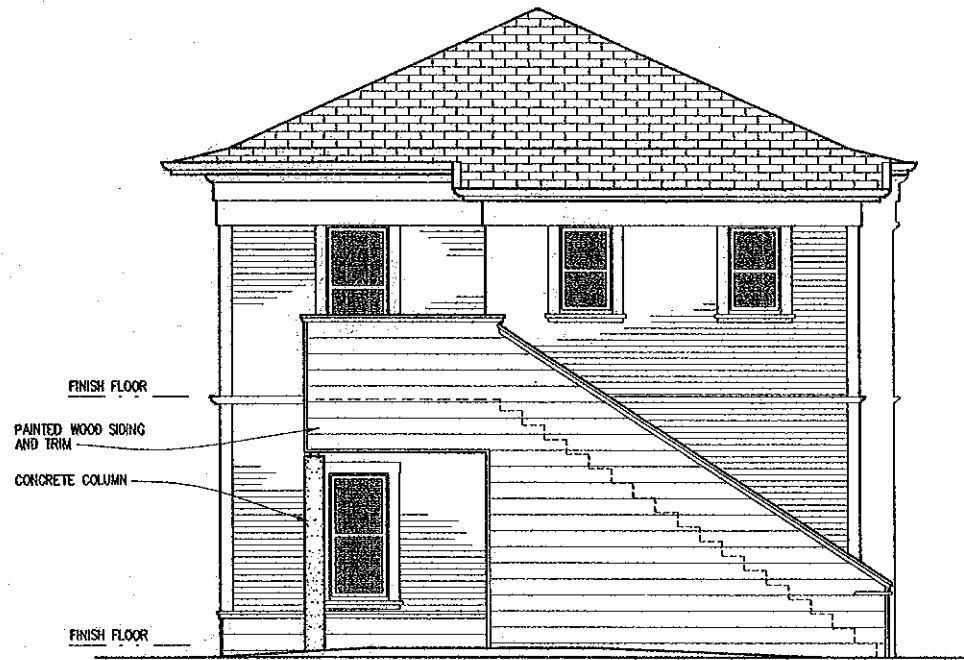
APRIL 11, 2013

(E) EXISTING  
 (N) NEW

**KARL GOLDEN ARCHITECTS, INC.**  
 2441 SPAULDING AVENUE, BERKELEY, CA 94703  
 kbgolden@pacbell.net

**REMODEL**  
**843 ADDISON STREET**  
 Berkeley, CA 94710

Sht. Title:  
**FLOOR PLANS**  
**SITE PLAN**  
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NORTH ELEVATION



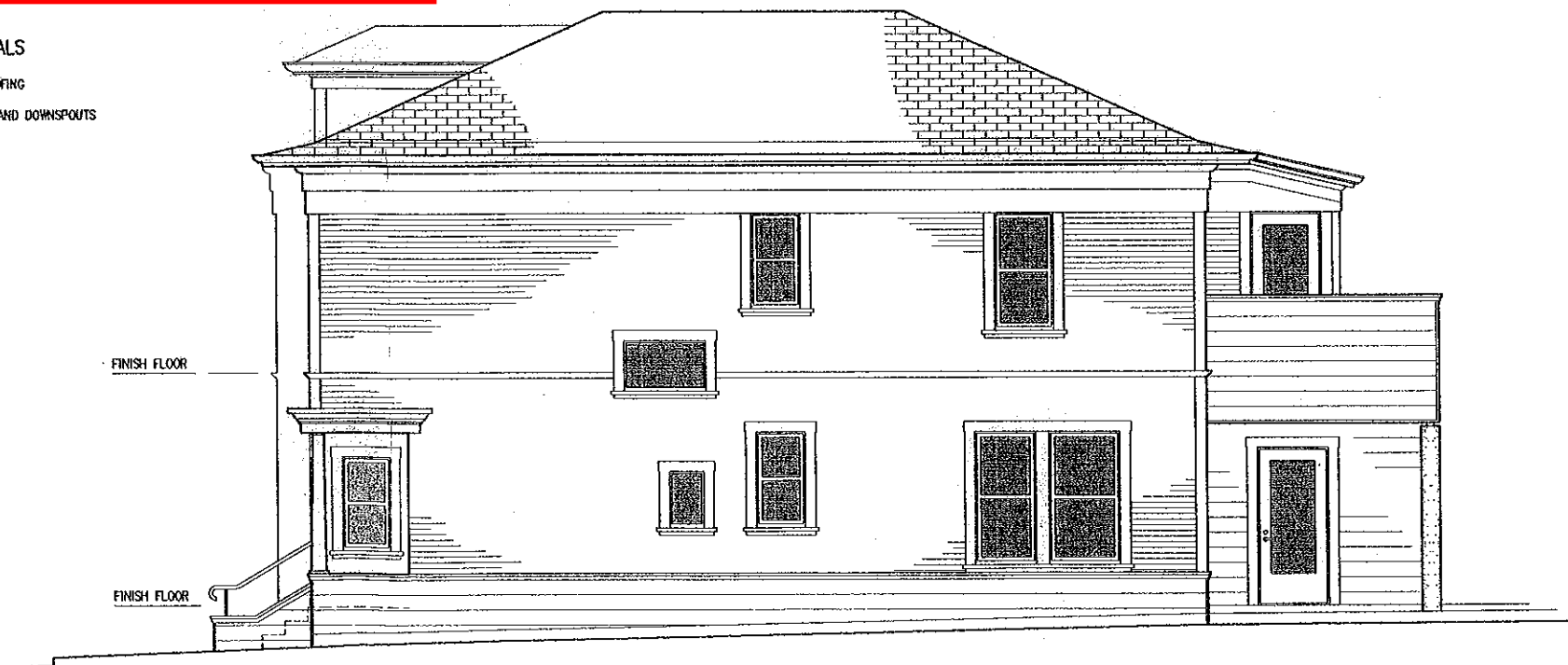
EAST ELEVATION

**PLANS APPROVED by**  
**ZONING ADJUSTMENTS BOARD**

*Judy Stout*  
 APRIL 11, 2013



SOUTH ELEVATION  
 (FACING ADDISON ST)



WEST ELEVATION

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**REMODEL**  
 843 ADDISON STREET  
 Berkeley, CA 94710

Sht. Title:  
**EXTERIOR ELEVATIONS**

Date: 10-8-12  
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